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THE TIMES

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TUESDAY JULY 20 1993

45p

High Court challenge will delay ratification of Maastricht

Rees-Mogg wins right to fight treaty

By Philip Webster and Frances Gibb

BRITAIN may have to delay ratification of the Maastricht treaty until the late autumn while the government waits for the courts to rule on the legality of the bill expected to receive the royal assent tonight or tomorrow.

The delay became likely yesterday when Lord Rees-Mogg won the right to mount a High Court challenge to the government on the grounds that it was seeking to bypass the sovereignty of Parliament.

The government immediately announced that it would fight the case, which will begin on Monday, and said that it would not ratify until the proceedings were complete. The hearing starting next week is expected to last four or five days and the case is then likely to go to the Court of Appeal and the House of Lords. Ministers are hoping

The High Court will on Monday start hearing a legal challenge to government handling of the Maastricht bill. It could delay ratification until the autumn

that the action will be speedier than usual, but they may have to wait until October or November for a final ruling.

Britain has repeatedly told its EC partners that the government would ratify the treaty before the end of the current parliamentary session, which would normally end in late October, but Douglas Hurd admitted last night that the timetable could be in danger.

With the Maastricht process plunged into even deeper uncertainty by the court case, ministers were yesterday continuing their battle to stave off the threat of defeat over the treaty's social chapter in the Commons on Thursday. Up to 15

matter was now sub judice, provoking demands for a ministerial statement amid Labour complaints that Parliament was being muzzled.

In the High Court, the government called for a speedy hearing of the case. Lord Rees-Mogg's counsel had indicated that he would prefer the case to be heard at the beginning of August, but Sydney Kentridge QC, for the foreign secretary, told Lord Justice Watkins and Mr Justice Auld: "There are various deadlines in the treaty. If Lord Rees-Mogg is correct in his submissions, it will be necessary for parliamentary procedures to be put in train to correct whatever the courts may hold to be wrong."

Lord Rees-Mogg, a former editor of *The Times*, is attacking what he says are three fatal flaws in the proposed ratification of the treaty. Lord Justice QC said that first, the government had not obtained the parliamentary approval it needed for the protocols — two of which provided for increased powers for the European Parliament. Second, it could not ratify the social protocol via the Royal Prerogative as the Attorney-General had claimed. And third, the treaty involved a transfer by the Crown of the whole of its foreign policy and treaty-making powers to Brussels, which the Crown was not allowed to do. The government had not sought parliamentary approval for such a transfer.

"This not only goes against the grain of our history, but against established and constitutional and legal principles which have governed us since 1215," he said.

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Voice of dissent: Lord Rees-Mogg outside the High Court in London yesterday

'New style' IRA man jailed

A LONDON sales executive jailed for 22 years for his part in an IRA plot to assassinate the prime minister was last night described by police as a "new breed" of terrorist chosen for his "very Englishness".

Vincent Wood, aged 29, was convicted of storing Semtex explosive for the IRA after an Old Bailey jury heard how he duped an old school friend into storing a tea chest full of bomb equipment.

Evidence suggesting that Wood had been part of an attempt to kill the Prime Minister was discovered when police raided his East London home and found a charred street map showing Mr Major's constituency home.

His "middle class English background" meant suspicion was less likely to fall on him than on those with obvious Irish links, an anti-terrorist officer said. "Wood had some value for the IRA because of his standing in society and because he wasn't going to fit into the usual terrorist stereotype."

The 17.5kg (38lb) of Semtex could have been used for up to 20 litter-bin bombs or one big bomb.

Explosives minder, page 7

Watch out, the beadle's about

By Michael Horsnell and Nicholas Wood

MICHAEL Howard, the home secretary, wants to resurrect the old-style village bobby as part of the government's efforts to respond to public anxiety about crime. The new version of the rural crime-buster would not be paid, but would get a uniform.

He said yesterday that the constables would be local "figures of authority" appointed by a parish council for a fixed term. Enquiries by *The Times* disclose that, unlike the authoritative English bobby of yesteryear, the modern version will have no powers of arrest. They would, though, act as a "reassuring focal point, co-ordinating neighbourhood watch schemes and acting as a regular channel of communication with the police". Mr Howard said he was putting forward the idea as Christchurch, where he was campaigning for forthcoming by-election.

Although applicants would not be expected to have previous police experience, special constables might be encouraged to take on the additional duties of a parish constable. Whatever their precise role, parish constables would work closely with local police officers, supplementing their

efforts, not replacing them, Mr Howard said. He added: "There is a sea change in the public mood on this issue. Not only is there a deep feeling that something must be done, there is a deep feeling too that people themselves must do something to help the police."

He said he would launch a competition for country parishes. "I have written to the National Association of Local Councils asking their members to come forward with proposals, and I hope to be able to use the best of these proposals as the basis of pilot schemes."

Mr Howard's idea was

granted with derision by the Police Federation, which is already angry at plans put forward by the Sheehy inquiry radically to restructure the service.

A spokesman for the federation, which represents more than 120,000 officers under the rank of superintendent, said: "It seems a peculiar idea. I thought there was a White Paper a few weeks ago which took away a large amount of the power of local police authorities and gave it to the Home Office. The new proposals look like a cosmetic way of taking it back."

Baton trials, page 5

BT3 shares close at an 18p profit

By Patricia Tehan

PRIVATE investors who bought shares in the £5 billion BT3 sell-off were sitting on a paper profit of 18p a share yesterday after the shares soared in stock market dealing.

The new partly paid BT shares closed at 169p after touching 174p, dragging the fully paid BT shares up to close 5p higher at 413p.

BT share shops reported brisk business. Fidelity Brokerage said most investors appeared to be holding on to their new shares, but of those who did trade 71 per cent wanted to sell immediately. It said that by value sales were half the size of the buys, "so it looks as though the 'Sids are selling and the more sophisticated investors are buying."

Jim Cousins, Labour's spokesman on telecommunications, called for an inquiry into the Stock Exchange's management of the BT3 market. He wrote to the Securities and Investment Board expressing concern that pressure may have been exerted to create a false market before the sell-off.

Slice of the cake, p21
Lead to freedom, page 22

Russian — it's the best a man can get

FROM ANNE McELROY, IN ST PETERSBURG

PTTY the businessman who stands back here and admires his shiny new billboard announcing his product in English. He is likely to find a city official up a ladder next morning covering the Latin script with masking tape.

St Petersburg, where resistance to westernisation is stronger than in Moscow, is leading the battle against English. The mayor, Anatoli

Sobchak, said he approved the measures after many complaints from citizens who could not understand what was being advertised.

The cause has been taken up by campaigners such as St Petersburg's television commentator, Aleksandr Nevrov, who wants English banned altogether on billboards, and campaigns with fervour against the introduction of English neologisms. "The problem is that foreign names are attractive, to Rus-

sians. Teenagers express their disenchantment by using the quintessential English four-letter expletive rather than the Russian version, and even President Yeltsin ponders his image and holds briefings.

In Moscow, English advertising is allowed, but at three times the normal advertising tax. Aleksandr Lantsov, the chief of Moscow's advertising police, is unrepentant. "It is like walking up in a different culture," he said. "The result is that bilingual

copywriters here are inundated with requests to render into Russian the catchy slogans of Western products. The skill lies in making the Russian versions the same length, to match the music in English jingles. They are said to have wept with gratitude at the head office of a certain shaving foam manufacturer when told that "the best a man can get" could be rendered as "luchshie dla muzhchina" (best for men) without sacrificing reason or rhyme.

Boots withdraw £100m heart drug after patients die

By Nigel Hawkes, Science Editor

MANOPLAX, a Boots heart drug, was withdrawn from the market yesterday after trials showed that patients using it were dying.

Boots, who sold the drug as a treatment for heart failure, were unable to say how many had died. On the British market for less than a year, Manoplax is used by a few thousand patients. Its withdrawal means that 14 years of work and a £100 million have come to nothing. Boots said they followed the highest industry standards and that there is "not even the remotest question of negligence".

The evidence that Manoplax was harming patients came in a trial involving 3,000 patients in Scandinavia and the United States. At the end of April, when trial results first came in, Boots warned British doctors to withdraw the 100mg dose, because patients receiving it were dying more rapidly than those on a harmless placebo; but the company urged doctors to continue prescribing the drug at the 50mg strength. Further analysis has convinced Boots to withdraw it altogether.

Manoplax was once seen as a big earner for Boots, with analysts predicting annual profits of £100 million by the late 1990s. But Manoplax, whose active ingredient is the chemical floexquinan, has had a chequered development history. In 1990 the company came close to dropping the drug after clinical trials failed to show a clear benefit in increased health and mobility. But a second analysis convinced the company that the drug did work, and it was approved by the Committee on Safety of Medicines in Britain and the Food and Drug Administration in America.

These proving trials were too small to pick up evidence of increased mortality, unlike

longer as well as better," a spokesman said.

Proven therapies include diuretics and drugs known as ACE inhibitors. A senior cardiologist yesterday warned people not to stop taking these drugs. "I hope people who are on other drugs will not be frightened by this, because many of the others are so successful in prolonging life, and to stop them would be extremely unwise," said Dr Douglas Chamberlain, consultant cardiologist at the Royal Sussex County Hospital, Brighton, East Sussex.

Shares strengthen, page 23



Manoplax patients die at the higher dosage

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MPs 'kept in the dark' on Iraq arms

By MICHAEL DYNIS
WHITEHALL
CORRESPONDENT

PARLIAMENT was kept in the dark over a decision in 1988 to relax guidelines on arms export because it would have appeared too cynical in the wake of Iraq's chemical attacks against the Kurds.

Ministers decided to relax the guidelines following the ceasefire between Iran and Iraq in the summer of 1988, and had initially intended to inform Parliament of the change in policy, Lord Justice Scott's enquiry into the arms-for-Iraq affair was told.

However, Iraq's chemical attacks against the Kurds made this difficult, Sir David Miles, a former Foreign Office official, told the enquiry. Instead, MPs were given the usual "bland answer" that the existing arms export guidelines remained in force, even though this was not an accurate reflection of what was happening.

Sir David conceded that Parliament had been misled. When the Labour MP Frank Field asked in November 1988 whether it would be granted for exports of defence-related equipment to Iran and Iraq, he was told that the guidelines would remain in force for the time being. "It would have been much better if we had given a more fuller reply," Sir David said.

The arms export guidelines, designed to prevent exports of equipment which would enhance the ability of either side to prolong the conflict, came into effect in December 1984. But Sir David said recommendations by military experts could be overridden if it were felt that wider British interests were at stake, such as jobs.



Sitting it out: Merv Hughes, the Australian fast bowler, watches from the pavilion at Durham University yesterday as Ian Botham nears the end of his first-class cricketing career. Botham will play in eight Sunday games for Durham before retiring. Farewell, pages 38 and 40

Disabled activists heckle Tory

By NICHOLAS WOOD
CHIEF POLITICAL
CORRESPONDENT

ROB Hayward's past came back to haunt him yesterday when a posse of wheelchair-bound disabled rights activists disrupted the Tory campaign in the Christchurch by-election.

The Direct Action Network clashed angrily with Mr Hayward after his morning press conference, then drowned out part of his lunchtime speech at a public meeting. They later noisily picketed the Conservative campaign headquarters, handing out leaflets to begging passers-by urged them not to vote for Mr Hayward, who lost Kingswood to Labour in the general election.

In the first ill-tempered confrontation, the group of about

Labour and the Lib Dems breathe easy in Christchurch as the Tory candidate dodges demonstrators with old scores to settle

20 disabled people, mainly young and in wheelchairs, accused the former MP of betrayal. Later, as Michael Howard, the home secretary, looked on, there were angry exchanges with Tory supporters, ignoring Mr Hayward's appeals for a hearing, and unfurling a banner imprinted: "Anti-discrimination laws now."

After cries of "shut up" and "who's paying you" from the mainly elderly audience, the noisiest of the protesters left after about 10 minutes, allowing Mr Hayward to finish his speech. To cheers from his supporters, Mr Hayward said

that everybody had a right to say what they wished, but that they should also respect the right of others to be heard.

Phyl Keen, vice-president of the Disabled Drivers' Association, got the biggest cheer when she apologised for the "beastly little mob at the back".

The spark for a dispute that dogged Mr Hayward most of the day was his role in talking out in the Commons a Private Member's Bill intended to outlaw discrimination against disabled people which would, for instance, have prevented landlords barring them from pubs. "We haven't forgotten

what Robert Hayward did to us," said Allan Howerth, a member of the group. "He can stand in 50 by-elections, but we will be there to remind voters of what he did."

Mr Hayward, who was diagnosed as suffering from multiple sclerosis eight years ago, was given his first tongue lashing when he agreed to meet the demonstrators after his press conference. He said he had taken up the cause of disabled people well before being diagnosed as having MS, but Victoria Waddington said his condition was no justification for blocking the bill.

Later as Mr Howard emphasised his commitment to law and order, the home secretary faced an ambush of his own. Brian Weight, the chief constable of Dorset, attacked the Sheehy report on

police pay and conditions, saying it would cost him 42 officers over three years. Mr Howard said he was still consulting on the report.

An earlier intervention by John MacGregor, the transport secretary, also saw the Tories on the defensive in a seat where Mr Hayward is defending a 23,000 majority against a powerful Liberal Democrat challenge.

Diana Maddock, the Liberal Democrat candidate, and Nigel Lickley, for Labour, remained unruffled. Unlike Mr Hayward, they were not knee deep in the accumulated debris of a party which has been in power for 14 years.

□ 1992 general election: R. J. Aley (C) 36,627; Rev D. Bussey (LD) 13,612; A. Lloyd (Lab) 6,997; J. Barratt (NLF) 243; A. Wareham (CRA) 175. Con majority 23,015.

Rees-Mogg wins right to fight

Continued from page 1

the difficulties which King James had with the bishops (in 1687-8), Mr Price said.

Lord Rees-Mogg said after the hearing that he was pleased that the government had decided to delay ratification pending the outcome of the case, and said his action was unlikely to add to delay already caused by a parallel case being fought in Germany's constitutional court. "It would simply mean that Britain would ratify about a month before Germany rather than three months before."

The German ruling is not expected before late October.

Lord Rees-Mogg said yesterday that he thought it "perfectly possible" that the British courts would rule that the bill was inadequate. "The government will then have to decide whether they can put it right or not. I think we have a very strong case in law. If this were an ordinary case, our chances of success would be between 80 and 90 per cent. But of course this is not an ordinary case, it is a highly important case involving the affairs of state and the courts

must work within the framework of reality like everybody else. It would be very foolish to make predictions."

He added that he thought it was the most important constitutional case for at least 300 years and denied that his action was damaging the government. "I think it is probably helpful to the Conservative party." Delaying ratification gave time for emotions to cool and for sober judgment to prevail. "From the political point of view, to have a cooling-off period can only be good," he said.

Unionists keep up the suspense

By SHEILA GUNN
POLITICAL CORRESPONDENT

THE Ulster Unionist MPs, who may hold the key to Thursday's Commons vote of the social chapter of the Maastricht treaty, will not decide until after the debate has started how they will vote.

Representatives of the nine MPs will meet Sir Patrick Mayhew, the Northern Ireland secretary, hours before the vote to discuss the prospects of a deal. They want the end of the Anglo-Irish agreement in exchange for backing the government.

The three Democratic Unionist MPs yesterday ruled out any prospect of voting with the government despite Sir Patrick's warning that defeat on Thursday could lead to a Labour government. The four Social Democratic and Labour Party MPs will vote, as usual, with Labour.

Sir James Kilfedder, the Ulster Popular Unionist MP, is expected to back the government.

The nine Ulster Unionists are understood to be "open to offers", according to one party source, and have still not decided how to vote. They will meet on Thursday morning to discuss strategy.

The scope for a deal somewhere between parliamentary reforms, such as a Commons select committee on Northern Ireland, and the end to the Anglo-Irish agreement looks limited. John Taylor, Ulster Unionist MP for Strangford, said: "Our general attitude has been against the Maastricht agreement and it's against this background we will make our decision on which way to vote."

Treaty timebomb primed to blow up in Major's face

By PHILIP WEBSTER, POLITICAL EDITOR

IT WAS described as a "ticking timebomb" when Labour's frontbench team conceived the idea of an amendment preventing the Maastricht bill coming into force until there had been a separate debate on the social chapter. It has turned out to be just that.

On Thursday the timebomb will blow up in the faces of the government or of the unholy alliance of Labour, Liberal Democrat, assorted minority and Tory Euro-sceptic MPs assembled to oppose it.

Labour's new clause 74 eventually became clause 7 of the bill when the government accepted it rather than risk defeat, and on Thursday the government brings forward the motion that has to be passed before the Maastricht legislation can take effect.

The government's motion blandly "notes" its policy on the social chapter. Labour, the Liberal Democrats and the treaty's fiercest Tory critics will vote for the Labour amendment, which suggests that ministers should apply to sign up for the social chapter before ratifying the treaty.

The government needs its motion — any motion — to pass before the act can come into force. Clause 7 says: "This act shall come into force only when each House of Parliament has come to a resolution [our italics] on a motion tabled by a minister of the Crown considering the question of adopting the protocol on social policy." If the Labour amendment is carried, it then becomes the substantive motion to put before the House.

The sceptics are considering at this point switching sides. For them this would be the dream scenario, with the government technically unable to bring its act into force. Its only recourse would be to return to the House with a fresh motion — and it could have difficulty in devising one that was procedurally in order.

So the government dilemma will be whether it should vote down its own amended motion, now calling for the social chapter, or allow it through. It may abstain. With Labour and the Liberal Democrats voting for it, the motion must go through. If so it will have its motion that technically allows the act to come into force. But it will be faced with a vote saying it should not ratify until it has adopted the social chapter, something John Major will not do.

What then for the government? It will almost certainly try to ignore it. At Westminster yesterday the most widely touted notion was that it would table a motion of confidence to be debated next Monday.

A less confrontational way out would be for Mr Major to announce on Thursday night that he will ratify the treaty as negotiated but will bring forward a white paper on introducing the social chapter into Britain and invite MPs to cast their verdict. The result would be a foregone conclusion: a thumbs down to the social chapter.

Treaty chaos, page 1
Letters, page 17

Kasparov plans his retirement

By ROBERT CRAMPTON

GARRY Kasparov wants to retire as the unbeaten world chess champion in the year 2000. "Seven years is a long time, but 2000 is a nice round number," he said. "Retirement will not be easy with my character and I would have to defend my title three more times after the match with Nigel."

Kasparov, who will defend his title against Nigel Short in The Times World Chess Championship this autumn, is training with the help of four grandmasters, a computer

and two fitness advisers on an Adriatic island off the Croatian coast. He wants to take up a career in politics and business when he ceases to be champion.

He is confident about the result. "I believe I'll win, quite a comfortable win, probably after about 20 games. But it will not be a huge win as some people say. Nigel is not just a boy there for the beating. He will be a very well-prepared opponent."

The InterCity Scottish century chess championships ended in a draw at 6½ points each between the two Dundee

grandmasters Colin McNab and Paul Motwani.

The English grandmaster Mark Hebden took the Weekend Open title to add to the Scottish Open title he won last week. The Weekend Major title was shared between D. Gillespie and A. Gibb. The Weekend Minor winner was G. Mooney.

In the Smith and Williamson young master tournament at Widley, the Czech player T. Polak opened up a lead of one point after a draw in the fifth round.

Championship chess, page 9

MATTHEW PARRIS
POLITICAL SKETCH

Pity the English, cornered by Celts

Allan Rogers (Lab, Rhondda) started it. During Welsh questions he called the Tories' Ian Bruce (Dorset S) a stool pigeon.

A word of explanation. There are three varieties of Celt in British politics, one coming from Ulster, one from Scotland and the third from Wales. They all have this in common: they are aggrieved. Politics, for them, is the pursuit of grievance. Grievance is their meat and drink, grievance their waking cry and daily song, and before they go to sleep at night they kneel in silent prayer: "Lord, why are the English so horrible to us?"

But here the similarity ceases. Your Ulster grievance is a wild, paranoid fantasy in which the Englishman walks hand in hand with the Pope and the IRA, smiling sweetly and plotting murder. Your Ulsterman must shout this treachery urgently from the rooftops and backbenches: drama is medium, betrayal is theme.

Your Scots grievance, on the other hand, is a demand with menaces. Your Scotsman lunges from the shadows of Hungerford Bridge, or the Labour division lobby, cursing and growling, fingering a penknife and rattling a tin.

But your Welsh grievance is different from both. It is a sort of continuous, censorious whine, a tugging at the sleeve. Never threatening, it carries always a hint of moral reproach. In pious sing-song the Englishman is informed that his injustice is an affront not so much to Wales, as to Heaven. Unlike your Scot, your Welshman is not trying to pick a fight, just letting you know what God thinks of your behaviour.

On the temple steps, then, the Englishman encounters the madman, the footpad, and the itinerant preacher soliciting alms: England's three neighbours. Yesterday,

questions to the Welsh secretary, was the preacher's turn to importune.

What do you understand by the term "stool pigeon"? I was unable to ask Betty Boothroyd, which was pity, for it was she who provoked the row that will come to be known as The Great Stool Pigeon Debate. She declared Rogers's expression "unparliamentary". It joins "insolent young pup" in a nest of phrases so foul as to trigger instant censorship from the Chair.

But then Rogers was angry. His complaint was that as many as nine MPs for English constituencies (the alleged stool pigeons among them) had had the impudence to table questions about Wales. The last Speaker of the House, he added slyly, had urged English members to leave questions clear for Welsh MPs.

The complaint irritated the English MPs. The *stool pigeon* himself could be heard indignantly exclaiming: "I was born in Wales" from a sedentary position. "My mother was Welsh" shouted another *stool pigeon* with his own question on the order paper, Michael Fabricant (C, Mid Staffs). Geoffrey Dickens (C, Littleborough & Saddleworth), a sort of stool turkey, told Miss Boothroyd that as English taxpayers send squillions of subsidies to Wales, their MPs were entitled to look in occasionally to ask how it was spent.

To Miss Boothroyd's comment that few Welsh MPs had put down their own questions, Ray Powell (Lab, Ogmore) responded with a request for a "Welsh computer", so that questions from Welshmen came top of her ballot.

As I left the Chamber, the aggrieved queue from Wales was growing. From the English side came the squawks and coos of creatures whose name we dare not speak.

Smith's reforms win executive backing

John Smith, the Labour leader, won another round in his fight for party democratic reforms last night when the national executive gave substantial backing to his plans. After a four-hour meeting, the executive voted by 20-7 to back Mr Smith's reforms, including one member one vote for the selection of parliamentary candidates.

The NEC backing was much bigger than expected, although four key unions voted against the Labour leader. The TGWU transport union, the GMB boilermakers' union, the USDAW shopworkers' union and the UCATT construction union all voted in line with their conference decisions this month. The executive is expected to use the agreement as the basis for its recommendation to the party conference in September. Mr Smith could still face defeat if he fails to win backing from some of the unions that defied him last night.

Man aged 99 attacked

A man aged 99 was dragged from his bed and left to die by a gang of robbers who fled empty-handed, police said yesterday. Clifford Kemp, who cannot walk unaided, was found by his home help on Sunday pinned to the floor by his walking frame in his flat at an old people's complex in Dagenham, Essex. He is recovering in hospital.

Wanamaker honoured



The American actor and director Sam Wanamaker, left, became an honorary CBE yesterday for his work with the Shakespeare Globe theatre project. He established the Globe Playhouse Trust in 1971 and has spent years raising funds. Mr Wanamaker said he hoped the honour would draw investors' attention to the project, which still needs £2 million.

Rebirth of theatre, page 6

Venables cash call

The chairman of Tottenham Hotspur football club, Alan Sugar, is to ask the High Court to order the club's ousted chief executive, Terry Venables, to put up security for costs in the fight over its control. If Mr Venables cannot find an estimated £500,000 he may be prevented from continuing the action. The court has adjourned the case until July 29.

'Cabbie' accused of rape

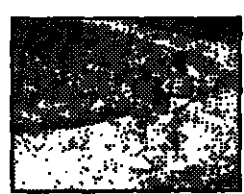
A "bogus cabbie" took a young mother to his own home and raped her three times after she mistakenly flagged down his car, the Old Bailey was told yesterday. Philip Miller, 38, of Honor Oak Park, south London, denies three counts of rape and one of false imprisonment. He admits assault causing actual bodily harm. The trial continues.

Scottish cardinal dies

Cardinal Gordon Gray, the former leader of Scotland's 800,000 Roman Catholics, died in hospital in Edinburgh yesterday after a short illness. He was 82. Cardinal Gray, who retired in 1985 as Archbishop of St Andrews and Edinburgh, became the first resident Scottish cardinal in 400 years in 1969.

Obituary, page 19

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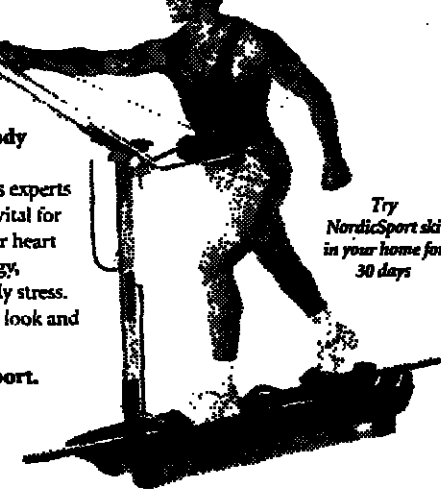
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Lecturer stabbed to death by student 'high on drugs'

By PAUL WILKINSON

AN OPEN University lecturer was stabbed to death and her body mutilated in an apparently motiveless attack by a mature student who then wandered the campus wearing her clothing, a court was told yesterday.

Dr Elizabeth Howe, 34, was killed within hours of arriving at York University for a summer school last July. Her attacker, Robin Pask, told police he had come to the school intending to kill himself. He did not know why he had attacked Dr Howe.

Pask, 32, a laboratory technician from Horwich, Greater Manchester, denies murder but admits manslaughter through diminished responsibility. Stephen Williamson QC, for the prosecution, said the Crown refused to accept that plea and told jurors at Leeds Crown Court that they would have to decide from the medical evidence what was his state of mind.

Mr Williamson said they should prepare themselves to see horrific pictures of the victim's body and her blood-stained college room. Her neck had been slashed with a large kitchen knife, severing her jugular vein and carotid artery. After that fatal blow Pask cut off her clothing and slashed her body from her chest to her abdomen. He then stabbed her three times, puncturing her heart and lungs. He also abused her sexually.

Both Pask and Dr Howe arrived in York on the afternoon of July 25 for the start of the week-long summer school. Dr Howe was teaching an English literature course and

A man who killed an Open University lecturer at a summer school was later found dressed in her clothes, a jury has been told

had left her husband Jeremy, head of drama for BBC Radio 3, and their two young children at home in Oxford. Pask, married with three young daughters, was attending a science degree course.

They had been allocated rooms yards apart on the same floor of Wentworth College. Mr Williamson said that at home Pask often looked after his youngest daughter while his wife went out for the night. He would drink heavily, read girls' magazines and watch adult films on satellite television.

Pask had told police that after arriving at the college he had drunk three-quarters of a bottle of vodka and some strong wine, and taken up to ten amphetamine pills, while



Howe, attacked in her college room

reading two girls' magazines. He had brought a knife from home with the intention of committing suicide but it was blunt and he had bought another on the way. He was depressed and felt "totally worthless", he told detectives.

In a statement Pask said he had met Dr Howe on the landing but his recollection of what happened next was hazy. "I really cannot remember what happened. All that anger and hate directed against myself came out. I know that is not an excuse. I attacked her for no reason at all. I am no butcher, I don't go around attacking women."

"It was not sexual. One moment I was walking in her room and the next I was attacking her. I hit her with a knife. I don't know how many times. It was like I wasn't there. It was like somebody else was doing it."

"I did to her what I should have been doing to myself. It got all tangled up. I do feel sorry for her and her family. Taking another human being's life is disgusting."

After the killing, Pask stripped off his blood-stained clothing and left it in the doctor's room. He put her striped swimsuit over his vest and put on her long floral skirt before returning to his room.

Three hours later, after university staff had discovered Dr Howe's body when she failed to attend a meeting, he was seen slipping into the



Accused: Robin Pask, who is alleged to have told police he killed Elizabeth Howe "for no reason at all"

corridor. Several people later reported a hunched woman, who appeared to be "high", wandering the campus. Pask was arrested in the car park in the early hours of the following morning. By then he had made obscene phone calls to

his relatives, who thought that he was drunk or on drugs.

Mr Williamson told the jury: "The defence will argue that when Pask killed Dr Howe he had suffered such an abnormality of mind that he substantially impaired his

mental responsibility. The prosecution say he intended to kill or grievously harm her."

Pask's wife, Christine, told the court of an incident many years ago when he caught her embracing a woman friend. She and the friend, whom she

had known for 14 years, were partly undressed. She said it was a moment of stupidity after they had been drinking. "It was a silly thing. It was a girly thing. We were kissing and cuddling."

The case continues today.

Prisoner held after transfer escape

By A STAFF REPORTER

AN investigation was underway last night into how a prisoner, detained for life for crimes including planting nail bombs and stealing enough cyanide to kill 300 people, made an escape attempt while being transferred.

Matthew Williams, 25, used a hypodermic syringe which he claimed was infected with the AIDS virus to overpower prison officers and hold one hostage for 30 minutes.

The category A prisoner was being transferred from Long Lartin prison, Worcestershire, where he had been strip searched before leaving, and Parkhurst on the Isle of Wight. As the van approached Oxford last Thursday he pulled out the syringe and threatened to use it.

The van drove to a police station where a negotiator tried to reason with him before Williams ran off, dragging a prison officer handcuffed to him. He was flooded by officers using staves and taken to Radcliffe Hospital in the city, where he was treated for head injuries.

Williams was detained for life by Liverpool Crown Court in 1989 after admitting 11 charges of arson, theft and conspiracy to cause explosions. He had written in his diary that he wanted to kill somebody because he hated people.

The court was told that he planted a nail bomb in a crowded Liverpool street, set fire to the museum chapel at Leeds University, causing £180,000 worth of damage, tried to poison his family by injecting a tin of tomatoes with sodium chloride, fired a cross-bow through a neighbour's window when they played country and western music into the early hours and tried to set fire to other neighbours' houses with petrol.

While studying microbiology and genetics at Leeds University he stole cyanide which could have been used to kill 300 people.

John Marriott, governor of Parkhurst, said the incident was being investigated by police as a matter of routine. The file will be submitted to the Crown Prosecution Service, which will decide if charges are to be brought.

Refugee appeal, a year after camps revealed

Channel 4 screens Bosnia season to boost awareness

By ALEXANDRA FREAN, MEDIA CORRESPONDENT

CHANNEL 4 is to devote 15 hours of prime-time television to the war in Bosnia to heighten public awareness of the suffering it has caused.

The *Bosnia* season of documentaries and arts programmes will include an appeal launched in association with the Refugee Council to raise money for non-governmental organisations providing aid in the war zone.

Larry Hollingworth, senior operations officer in Sarajevo for the United Nations High

Commissioner for Refugees, said in London yesterday that the media had played a vital role in raising money for relief agencies. "If the media had not been in Sarajevo, the whole thing would have gone on in an entirely different way. They have brought images of Bosnia to the world and acted as the public conscience. By doing that, they have made sure that we have had funds."

Mr Hollingworth said that the UN refugee agency still needed more than \$100 mil-

lion (£66 million) to maintain its aid programme in former Yugoslavia until the end of the year. "Without that money, we have not got enough to buy the 500 grammes of food per person per day which we try to provide," he added.

Alf Dubs, director of the Refugee Council, said that there were more than 3.5 million former Yugoslav refugees. Of those, nearly one third are stranded in camps along the Croatian-Bosnian border and many are elderly.

The week-long season starts on August 1, a year after the screening of pictures from Bosnian concentration camps on ITN's Channel 4 news. The season includes more than 28 programmes explaining the background to the crisis and interviews with the main parties to the conflict.

There will be two special *Opinions* programmes, with the international financier George Soros, who has contributed to relief efforts in the Balkans, and the Belgrade-born film director Dusan Makavejev. The Times will be publishing transcripts on August 1 and 8.

Other programmes in the season include *A Sarajevo Diary* in which the British lecturer Bill Tribe describes the city where he lived for 26 years.

Peter Salmon, Channel 4 controller of factual programmes, said: "We have created this season to challenge the helplessness and apathy so many of us feel. Donations can be sent to: *Bosnian Refugees, PO Box 4000, London W3 6DQ*

Dinosaurs smash all box office records

By ALISON ROBERTS, ARTS REPORTER

THE Steven Spielberg dinosaur film, *Jurassic Park*, took an unprecedented £4.8 million in its first weekend in Britain.

"We were expecting it to be big, but not that big," said a spokesman for Universal Pictures, the film's distributors. *Batman Returns* brought in £2.7 million in its first weekend and that was the previous most successful film. This is astounding. In America, where the film has a PG 13 rating, it broke records by taking more than £50 million in its first weekend.

Doubts about the film's effect on younger children continue to mount. Despite the special warning attached to the British PG rating, which reminds parents to monitor children and psychologists and teachers are concerned about the film's possibly disturbing effects.

Jackie Miller, of the Professional Association of Teachers, said hype surrounding the film was irresponsible and would lead to an uncontrollable pirate video market in school playgrounds.

"Every child in the land wants to see this film, and it might be suitable for every child," she said. "I think there is a tendency to underclassify films."

Spielberg has said he would not take his own children, aged between one and seven, to see the film.

Struck-off GP was facing ban

A GP struck off yesterday for failing to properly examine a patient who later died was already facing suspension for a similar offence.

Dr Robert Jones, of Coggeshall, Essex, was questioned by police after his wife Diane was found bludgeoned to death in 1983. The killer has never been found.

The General Medical Coun-

cil was told that Dr Jones was banned from practising for eight months in March 1992 for not properly examining a man with an abscess on his appendix. He appealed and while awaiting the result was allowed to return to work.

Two months later he visited an asthma sufferer who had been in bed for a week complaining of breathlessness

and loss of appetite. He did not examine the man and blamed his illness on allergy to rape seed. But the GMC was told that the patient had a pea lodged in his lung, which led to an infection that killed him.

Dr Jones told the hearing in London that he had seen 85 patients affected by rape seed problems that month.

ITV reopens debate on creation of Channel 5

THE Independent Television Commission has reopened the debate on the creation of a fifth terrestrial television channel, seven months after turning down the only bid to run a new national station (Alexandra Frean writes).

Launching a consultation document on the proposed Channel 5, David Glenister, chairman of the ITC, said the national station could be operating by 1995.

The ITC's document sets out three main options for Channel 5, based on a technical review of the frequencies that it might use.

□ Advertising a single licence on a similar basis to the last attempt to launch the channel in April 1992;

□ Creating a series of local television stations under a single "federal" licence;

□ Scrapping Channel 5 and using the frequencies to allow

the phasing in of digital television.

"The ITC will not make any decisions on Channel 5 until after the October 15 deadline for comments, but the third choice is likely to attract the most attention. An application from a consortium led by Thames Television and based on the first option was turned down by the ITC in December on financial grounds."

The second option for local services would require a change in legislation as the 1990 Broadcasting Act provides for a national Channel 5. Given that the ITC's own forecasts predict the introduction of digital television in Britain as early as 1996, this option is likely to arouse the most interest. Digital television would allow the introduction of wide screen sets and an increase in the number of channels to 100.

Moody's men mourn with menaces

By ALAN HAMILTON

JAMES MOODY, the East-End gangster who dug his way out of Brixton jail 12 years ago and spent the rest of his life evading his pursuers until gunned down in a Hackney pub, was cremated yesterday at the vast east London necropolis of Manor Park.

His passing was attended by his family, friends and a lot of men in earrings, square-cut suits and dark glasses.

It was a strictly private occasion, and no mistake, all right? As the five-car cortege, groaning under a mountain of floral tributes, drew up at the crematorium door, several men with close-cropped heads and torsos built like brick outhouses leapt from the curb, scanned the scene, and made straight for a small knot of

reporters and cameramen attempting to search the mourners' faces for celebrity profiles from the nether world.

"Keep well back, all right!" commanded an unshaven man-mountain. The press took one smart pace back. "Well back," the mountain growled again. Another smart pace to the rear. Cameras dropped to the "at ease" position. A decision not to attempt gatecrashing the service was quickly and easily reached.

Two nearby plain-clothes police officers pretending, not very convincingly, to be gravediggers, shuffled their feet and pretended to talk tombstones to each other. Two more plain-clothes officers cruised the cemetery roadways in a silver Sierra made to look part of the scenery by having a hubcap missing.

Police would dearly love to know who pumped four bullets into "Mick" Moody six weeks ago as he sat drinking in the Royal Hotel at Homerton in east London. So far neither friend nor foe has given any crucial evidence.

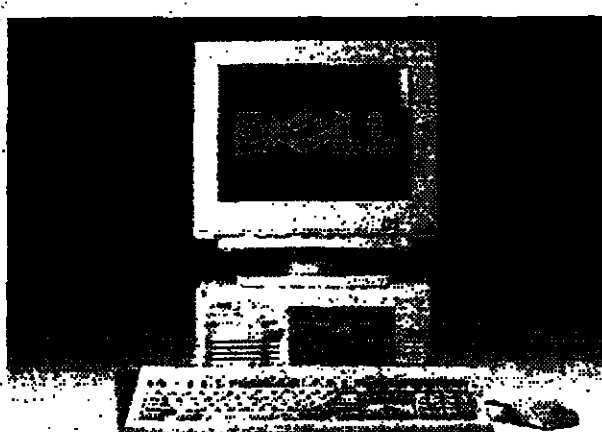
They would equally dearly like to know how Moody earned a living since escaping from Brixton with the convicted IRA terrorist Gerard Tuite and another prisoner. They suspect his hand in a number of gangland contract killings.

His daughter Janine and his actor son Jason led about 30 mourners, not one of whom was in the least anxious to depart to those waiting outside. The service, conducted behind firmly closed doors by the Moody's parish priest, Father Seamus O'Boyle,

lasted barely ten minutes. As the mourners filed out, Jason and Janine clasping each other's shoulders, the men in box suits did a lot of menacing hanging about, some drawing on cigarettes, some without ties, all with their eyes firmly on the press. After they had finally dispersed, it was deemed safe to go and inspect the floral tributes which covered several square feet of pavement.

"Best dad in all the world. We love you and miss you always - Jason and Janine." A friend who signed himself only "Paul" sent a wreath inscribed: "With the greatest of respect to a very funny man in his own way." There was no sign of James Moody's humour and, in the face of the King Kong squad yesterday, no room for jokes.

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Probation was right sentence for death mugging, judge says

By Robin Young

AN Old Bailey judge said yesterday he was right to sentence a schizophrenic mugger to three years' probation for killing an 83-year-old pensioner and apologising to the defendant for bringing him back to court.

Judge Pownall QC reissued the case of Paul Gordon, 26, to explain the sentence, which led to protests from police and the victim's family when it was passed last Friday.

Despite the judge's explanation, police said later they would ask the Crown Prosecution Service to refer the case to the attorney-general for review of the sentence.

Gordon, 26, attacked William Horsley who was feeding pigeons and died of a heart attack after falling and hitting his head.

A former patient at Guy's Hospital, London, Gordon had been released under the care in the community scheme. The court heard he became violent after failing to take medication.

The judge, whose sentence was conditional on Gordon attending hospital for treatment for schizophrenia, said yesterday: "My sole purpose in raising this matter again is to ensure that I knew all that I ought to have known."

He had been criticised by police and the victim's family on Friday for not ensuring the prosecution case was opened by a barrister. Yesterday the counsel for the prosecution, Peter Clarke, was in court and said the judge had known all the facts of the case.

The judge said: "This was not in normal circumstances a very serious assault, but Mr

Horsley was a very frail man of 83 and, of course, because of that, any violence on him is serious.

"He could have collapsed at any time even without this intervening stress. Here it was the stress of the attack coupled with a heart attack that caused the death."

The judge said he knew about Gordon's previous convictions which included a street robbery with a knife 11 years ago and a theft two years later. He also knew Gordon was suffering from long-term schizophrenia but responded well to treatment and became ill only when he failed to take medication.

He had not made an order under section 37 of the Mental Health Act because he needed two doctors to back this course, and they did not recommend it.

The judge said protests had followed "misreporting in the press" which gave a distorted view of the case. He referred to one "quality newspaper", which he did not name, saying: "You would think they would know better."

The judge said one glaring error was a report that a charge of murder had not been proceeded with. There had never been any evidence that Gordon intended to cause Mr Horsley serious harm, so he had not been charged with murder. "I have immense sympathy for the family of Mr Horsley," he said.

After the hearing, Det Insp Ron Lamb said: "Everything that was said today was about the defendant. I just wonder if anyone thinks about what that old man, who had been

through two world wars, thought when he was set upon."

Mr Horsley's niece, Ellen Hall, said: "I think it is a case of a judge not being able to admit his mistake. To even apologise to my uncle's killer for bringing him to court is an insult. The hearing today was a complete waste of time."

She insisted that the judge had erred in saying that after Gordon mugged Mr Horsley the old man had got up and walked away before dying.

"The judge is still going on about what a frail old man my uncle was. Both hearings have been centred on the assumption that my uncle was extremely ill, and on excuses for Gordon's behaviour," she said.

"Someone must ensure that justice is done in this case. I will be urging the Crown Prosecution Service to appeal against sentence. Judges have got to protect people from those sorts of assaults."



Ian Maxwell, left, and his brother Kevin arriving for their committal proceedings

Maxwell brothers face new charges

By Angela Mackay

KEVIN and Ian Maxwell, sons of the late Robert Maxwell, and four others were sent for trial at the Old Bailey yesterday after being charged last week with new offences involving about £305 million.

The latest charges, relating to the collapse of Robert Maxwell's media empire after his death almost two years ago, include modification of some of the charges, while others have been dropped. The six men stand accused individually and collectively of ten charges of conspiracy to defraud. All theft charges have been dropped.

At their committal at City of London Magistrates' Court, the men had their bail conditions and legal aid confirmed. Kevin Maxwell, 34, of Oxfordshire, and Ian Maxwell, 37, of Westminster, were first arrested after a Serious Fraud Office investigation lasting seven months. The investigation is continuing.

Robert Maxwell, who owned the Macmillan and Mirror groups, allegedly stole hundreds of millions of pounds from company pension schemes, but he drowned

in November 1991 before the shortfall in the pension funds became public.

Accused with Ian and Kevin Maxwell are Larry Trachtenberg, 40, a financial adviser of West Hampstead, northwest London; Joseph Fuller, 42, former treasurer of Maxwell's media empire after his death; Robert Bunn, 45, a former finance director of Northchurch, Hertfordshire; and Michael Stoney, 45, former deputy managing director (finance) of Mirror Group Newspapers, of Bartle, Lancashire. Mr Stoney did not appear because he was on holiday.

The new charges include the alleged use of shares in Berlitz International, the language tuition group, which belonged to First Tokyo Trust, as security for a £50 million loan from Credit Suisse.

They also involve allegations of a conspiracy to defraud the trustees and beneficiaries of Maxwell company pension funds of shares in Scitex Corp worth £102 million.

Boys given jail shock therapy

POLICE and social workers were yesterday investigating a complaint after boys from a special school spent 30 minutes in a prison taking part in a "shock therapy" session.

During the session, last month five boys, aged between 13 and 15 and wearing prison clothes, were subjected to homosexual taunts, verbal abuse and threats of violence by prisoners at the Everthorpe Prison in Humberside.

They were watched by teachers from the William Henry Smith School in Rastrick, West Yorkshire, which takes in boys with behavioural and emotional problems.

Prison officers were present during the session, which was videoed to protect the prisoners from any assault accusations. But after the visit, which was arranged by the school to deter the youngsters from a life of crime, a child protection agency complained to Halifax-based Calderdale Council's social services department.

Jane Booth, family services manager for the department, said: "The allegation is that the session, which was designed for its shock value, went too far. We are now jointly carrying out an investigation with the police. If we find that the children have been damaged in any way, remedial action will be taken to ensure that visits of this kind will not happen again."

A Home Office spokesman said yesterday that since the project had begun, nobody from the school was available for comment.

Nurses save 30 patients

Nurses lay 30 elderly frail women on duvets and pulled them along corridors to safety when a nursing home caught fire.

A drying room blaze broke out in the home at Benfleet, Essex, early yesterday. The residents suffered shock but were unhurt apart from a woman who had minor cuts.

Hefty price

An American buyer has paid a record £30,000 for a carthorse, Courage Vincent, a one tonne nine-year-old Shire gelding from Alconbury Weston, Cambridgeshire.

Murder charge

A former Welsh boxing international, Jason Evans, 21, of Bargoed, Mid Glamorgan, was charged at Caerphilly with murdering Steven Davies, who died after a fight.

Closure call

Inspectors investigating allegations of abuse have recommended immediate closure of Swaylands residential school at Penshurst, Kent.

Wreck raised

Divers raised the wreck of the trawler *Heritage* which sank four months ago near Scarborough, North Yorkshire, with the loss of two lives.

Climbing death

Donald Saunders, 28, from Glasgow died when he fell 200ft while climbing Stob a' Choin in the Trossachs.

Primary pupils may have 'gay' lessons

By John O'Leary, Education Correspondent

PRIMARY school children will be given sex education lessons with the message that being homosexual or bisexual is natural, if councillors in Rotherham approve an official report today.

Guidelines on homosexuality in the curriculum, to be sent to secondary and primary schools in the South Yorkshire town, will be considered by the council's Labour-controlled education committee this afternoon.

The guidelines were drawn up by Brian Yemm, the education director. He refused to comment ahead of the meeting, but his step-son, who is gay, said the topic was to be introduced to primary school children and other lessons. It says that by

the age of nine many children have identified their sexuality and argues that homosexual pupils should be protected from homophobia, the fear and hatred of anti-gay classmates. Teachers are advised to stop anti-gay jokes and to report children to their parents for homophobic behaviour.

David Nuttall, Rotherham's Conservative education spokesman, said: "Parents will be furious. Children as young as eight or nine could be told that gay and lesbian sex is quite normal."

Richard Kicker, of the Lesbian and Gay Christian Movement, said: "We think that 14 is an appropriate age to introduce discussion on homosexual issues."

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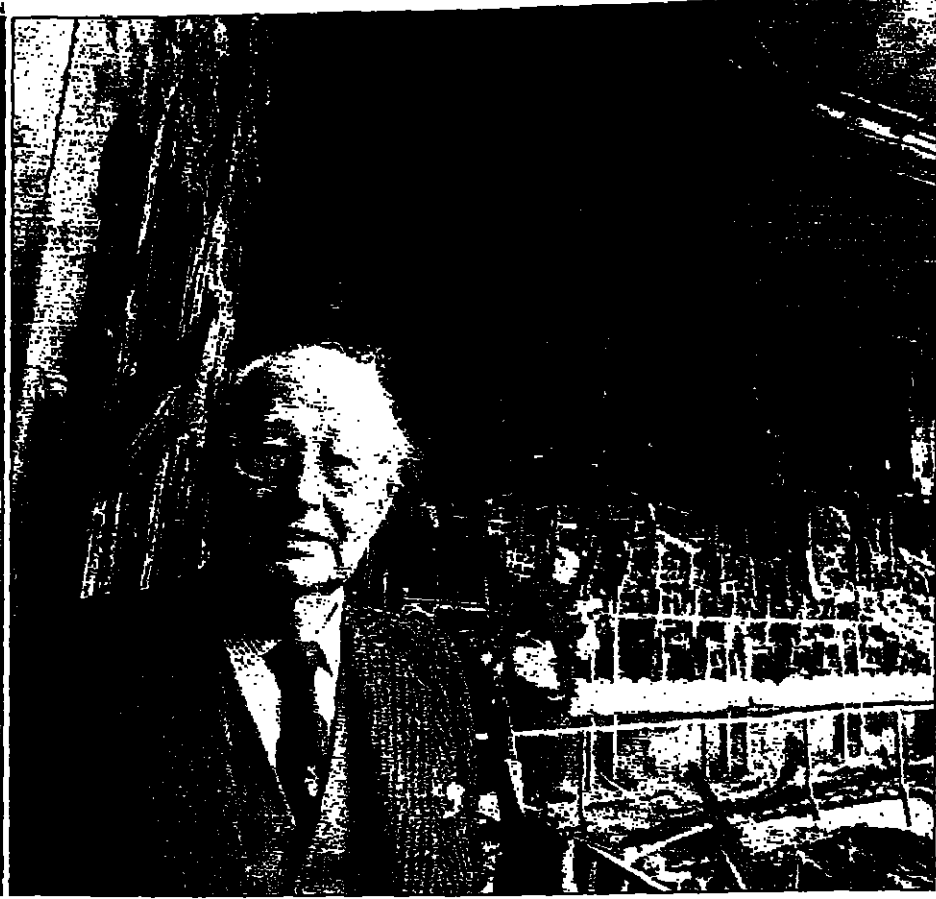
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The Savoy rises from the flames, restored in art deco splendour, to welcome Princess of Wales



Transformation scene: the English National Ballet rehearsing yesterday at the Savoy Theatre for last night's gala performance and, right, the late Sir Hugh Wontner, former chairman of the Savoy Group, reviewing fire damage in February 1990

Royal gala marks rebirth of D'Oyly Carte's theatre

By John Young

ONE of London's best loved theatres was reborn last night with a gala performance attended by the Princess of Wales, patron of the English National Ballet.

The theatre was largely destroyed by fire early on February 12, 1990, and has since been refurbished in its former art deco splendour at a cost of £11 million, all of it met from the insurance. This autumn it will be the venue for the *Times* World Chess Championship between Nigel Short and Garry Kasparov.

The Savoy first opened its doors in October 1881, the creation of the impresario Richard D'Oyly Carte, who needed a new theatre to accommodate the audiences flocking to the operettas of Gilbert and Sullivan. The first production was *Patience*, followed by *Iolanthe*, *The Mikado*, *The Yeomen of the Guard* and *The Gondoliers*. The theatre was built on

part of the site of the medieval Savoy Palace, to which it owes its name. It was the first public building in the world to be lit by electricity.

Such was the success of the theatre that D'Oyly Carte could use the profits to build a luxurious grand hotel. The Savoy Hotel opened eight years after the theatre. Johann Strauss conducted the ballroom orchestra.

After the break-up of the Gilbert and Sullivan partnership, the theatre became associated with many other famous names and productions. They included Noel Coward's *Design for Living* and *Relative Values* and a celebrated production of *Othello* starring Peggy Ashcroft, Sybil Thorndike and Ralph Richardson. After the war there were Shakespeare productions by a company under Sir Donald Wolfit, the popular comedies of William Douglas Home,

and Michael Frayn's *Noises Off*.

In 1929 D'Oyly Carte's son Rupert refurbished the theatre in what was the new art deco style. The project took just three months and was greeted enthusiastically by the press and the theatre world.

The latest restoration project has tried to recreate this 1929 appearance. The general manager of the theatre, Julian Courtenay, had initially hoped the theatre could be rebuilt as an example of late 20th century theatre architecture, but that idea was quashed by the insurance company and, in view of its listed building status, by English Heritage.

Clues had to be salvaged from the wreckage of the fire, which was particularly difficult for the 62 hand-carved panels that had flanked the proscenium arch.

Help came by chance from the Victoria and Albert Museum,

where one of the architects from Whitfield & Partners, who were in charge of the scheme, discovered a lacquer screen which had inspired the panels. At the first restoration, the panels and much of the rest of the auditorium were decorated in the then revolutionary aluminium leaf. It has been reapplied by hand to create a magical, glittering appearance.

The seats, rather firmer and more upright than today's audiences are used to, are in variegated colours of vermilion, amber, honey, fawn and crimson. Originally each advance ticket sold bore the same colour as the seat it represented, to enable women to dress to match the seats. The colour scheme also has the effect, apparently, of disguising large numbers of empty seats from the performers on stage.

Leading article, page 17

Chemical firm will restock rivers

A CHEMICAL firm has agreed to pay the cost of restocking two West Yorkshire rivers after a "toxic soup" from its plant killed about 10,000 fish.

Contaminated water from Allied Colloids in Bradford flowed into a nearby stream after a fire last year, then spread into the Calder and Aire. Michael Elliker, prosecuting for the National Rivers Authority, told Bradford magistrates yesterday that the rivers would take three years to restock at a cost of £20,000.

Allied Colloids admitted polluting Spen Beck and the two rivers. The magistrates granted an absolute discharge after hearing that the firm had been fined £100,000 after a prosecution by the Health and Safety Executive. They ordered Allied to pay £15,503 costs and £5,000 compensation.

Later the firm said it was committed to restocking the rivers.

Political files on NatWest customers 'are not sinister'

By a Staff Reporter

NEW laws to regulate the big lending banks were demanded yesterday after NatWest defended its policy of keeping details of the political and religious affiliations of some of its 6.5 million personal customers.

The disclosure came just days after the Office of Fair Trading reported that many banks were selling personal information to third parties for financial gain. A spokesman said: "This is the sort of information we are concerned about being passed on. While much of this is outside our domain the issue of confidentiality is one we are worried about."

Alistair Darling, Labour's City spokesman, has tabled a Commons motion calling for full regulation of banking services and has criticised the Bank of England for supervising with "a very light touch indeed".

NatWest said there was nothing sinister about the

information kept on its files, which are registered under the Data Protection Act. Political details are one of 50 categories of information the bank is registered to hold on computer records under data protection legislation. Other categories include physical descriptions and personalities.

NatWest said that the information was not systematically obtained and was useful in dealing with customers. "It is there as another piece of information that may be use-

ful when having a conversation with a customer," a spokesman said. "We do not try to get the information out of them as a matter of course. Whatever their affiliation may be, it does not affect our banking relationship."

The Bank Action Group, which campaigns on behalf of bank customers, said it was concerned about the practice. "You can only ask what they do with this information and whether it has any bearing on the facilities people are given."

£10 buys personal details

UNDER the Data Protection Act 1984, an organisation can charge up to £10 and take up to 40 days to release details of an individual held on their computer files.

Most banks charge £10 and the main credit reference agencies £1. Some organisations make no charge. The Data Protection Registrar

produces a leaflet giving details to the public on how to go about getting the information. Normally the request has to be made in writing.

Lloyds Bank, which charges £10, said that it usually replied to requests within 20 days depending how much information was held.

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IRA's explosives minder sent to jail for 22 years

BY A STAFF REPORTER

A LONDON sales executive was jailed for 22 years yesterday for possessing Semtex explosive with intent to endanger life. Potential targets included the prime minister's home in Great Stukeley, near Huntingdon, Cambridgeshire. The house was marked on a burnt fragment of street map found at Vincent Wood's home in London.

The Old Bailey jury of nine women and three men took just under three hours to reach their unanimous verdict, rejecting Wood's explanation that he was an innocent dupe used by his Dublin-based brother-in-law.

Passing sentence, Mr Justice Ognall said he was satisfied that Wood, since his marriage to an Irish nurse and through meeting her family, "initially supported and then actively espoused the terrorist cause". He added: "You are an intelligent man, a man of good character and ostensibly led a wholly respectable life... you were an ideal vehicle for the safe keeping of these explosives."

"And when the summons came, I entertain no doubt you would have provided them to the bombers with potentially terrible consequences... You knew full well what might happen to many innocent people if you got away with your wickedness and you knew what would happen if you got caught."

Wood, 29, showed no emo-

tion at the verdict and sentence. He had admitted possessing 17.5 kilograms of Semtex but denied possessing it with intent to endanger life or damage property.

He had persuaded Tony Robinson, an old schoolfriend, unwittingly to look after the cache of explosives at his shop. The cache, described by police as a substantial find, was discovered when curiosity got the better of one of Mr Robinson's partners. He prised the lid off the tea chest Wood used to hide the explosives and uncovered 15 packets of Semtex and bomb parts.

Police were called in and Wood was followed after he arrived on a flight from Dublin. He was arrested after leaving his work as a freight sales executive in a hurry after receiving a telephone call from a man with an Irish accent. In his garden were the newly charred remains of a Huntingdon street map with Mr Major's home marked. There were traces of Semtex in his car and two telephone numbers written in Gaelic, which turned out to be the numbers of Huntingdon pubs. In his study were Dublin numbers for Sinn Féin.

Wood claimed that when the Semtex arrived at his home, he and his wife Maraid spent sleepless nights deciding what to do with it. John Nutting, for the prosecution, told the jury: "The issue in this case is not whether he had

these articles in his possession, the question is the purpose for which the objects were being stored up." He claimed Wood's involvement was far deeper than his defence that he was duped.

Wood told the court that while on holiday in Ireland last year he had agreed that a friend of his brother-in-law could send goods to his home in Leytonstone, east London, until he found somewhere to live. Wood said he was "shocked and angry" to receive a tea chest packed with Semtex. But family loyalties prevented him from going to the police.

He told the jury: "I am not a member of the IRA and I would not help them in any way, shape or form." Wood said he had condemned the IRA's use of violence.

Helena Kennedy QC, in mitigation, said Wood would not have become involved but for his marriage into a family with an Irish background.

Police test four new batons to ward off ferocious attacks



Baton beat officers of the Metropolitan police beginning trials yesterday with four types of baton to find a replacement for the traditional truncheon. Two hundred officers have received training in the use of longer and heavier batons to block movement and parry blows. The four

batons being tested are a heavier version of the traditional 15in wooden truncheon fashioned in hard lignum vitae; the Arnold, a 20in baton of solid polycarbonate; the Monadnock, an extending baton which doubles in length from 1ft to 2ft, and coupling an aluminium

handle and shaft with a polycarbonate end, and the Celayton, a 26in baton of rubber-covered rattan. Det Supt Bill Grahamslaw, of the Metropolitan's baton project team, said yesterday: "Recent attacks on police in London have highlighted the inadequacy of the traditional police

truncheon. It has stood us in good stead for tens of years, but is no longer up to the job. The increasing severity and ferocity of attacks means police have to have better means to defend themselves if they are to deliver a better service to the people of London."

'Gentle' man loved all things Irish

BY RICHARD DUCE

VINCENT Wood's romantic attachment to the cause of Irish republicanism led him into an IRA plot to bomb the country home of the prime minister. From his schoolboy days in London's East End, Wood developed a passion for the ideal of a united Ireland which led him to take Gaelic lessons and eventually to marry an Irish woman.

His outspoken views were well known to his colleagues at the shipping firm Nippon Express UK in southeast London where he worked as a £25,000-a-year sales executive, although none believed him an advocate of violence.

Bookshelves at Wood's home in Leytonstone, east London, were lined with volumes on Irish politics and a directory of automatic weapons. Wood and his wife Maraid, a nursing sister at St Clement's Hospital in Mile End, married in Ireland in March 1990 after meeting at Gaelic lessons. Wood was also a member of an Irish club in Belgravia.

Wood had taken delivery of a tea chest containing 38lbs of

Semtex explosives and sophisticated time delay units which would trigger the bombs. Also in the chest was a map pinpointing the area in Cambridgeshire where John Major and his family have their constituency home.

Wood at first tried to deny all knowledge of his involvement with the Semtex find, but was later to tell the Old Bailey jury that he had been duped by his wife's brother Gerard, who lived in Dublin, into taking delivery of the chest. Wood claimed he believed it was to contain the personal effects of a friend.

Police believe that it was during Wood's visits to the Irish Republic and particularly around the Dublin area that he was approached by the IRA.

A senior anti-terrorist police source said last night: "It is my belief that any connection with the IRA would have been forged following his marriage. These sorts of people are extremely important to them. It is very important that someone that they trusted has been taken out of operation."

Friends have expressed astonishment that Wood could have been caught up in the IRA bombing plot. They described him as a gentle and caring man. Glen Osborne, who has known Wood for 20 years, said each of them had a mutual friend who lost a leg when an IRA bomb went off at London's Victoria station.

A spokesman for Nippon Express UK said yesterday: "This has taken us completely by surprise. He carried out his duties very effectively, and we had no reason at all to suspect that he was involved in this sort of activity."



Wood: devoted to Republican ideal

Husband jailed for sex-bait beating

BY A STAFF REPORTER

A MAN who used his wife as bait to lure Mickey Thomas, a footballer, into a sex session, during which he was beaten and stabbed, was jailed at Chester Crown Court yesterday for three years.

Erica Dean, 30, who had sex with the Wrexham player in a car, was ordered to do 180 hours community service because she has two young children, is expecting another and may have been pressured by her husband, Geoffrey Dean, 33, into the plot.

The Deans and Mark Gorevan, 27, all of Rhyl, Clwyd, had pleaded guilty at an earlier hearing to unlawfully wounding Mr Thomas, 39, last August. The court was told that Mr Thomas was repeatedly punched in the face and stabbed in the body, but took arms with a

screwdriver during the attack.

Dean and Gorevan were found guilty by a jury earlier this month of a second wounding and the false imprisonment of a 24-year-old man. Yesterday they were each sentenced to two years for the attack on Mr Thomas, plus a further 12 months on the other charges.

James Rae, for Erica Dean, said that when her husband learnt she was having an affair with Mr Thomas, she had been prevailed upon to organise a rendezvous "in circumstances in which she envisaged that he would get no more than a slap".

Mr Thomas was not in court. He is awaiting sentence after being found guilty earlier this month for selling forged bank notes to soccer apprentices.

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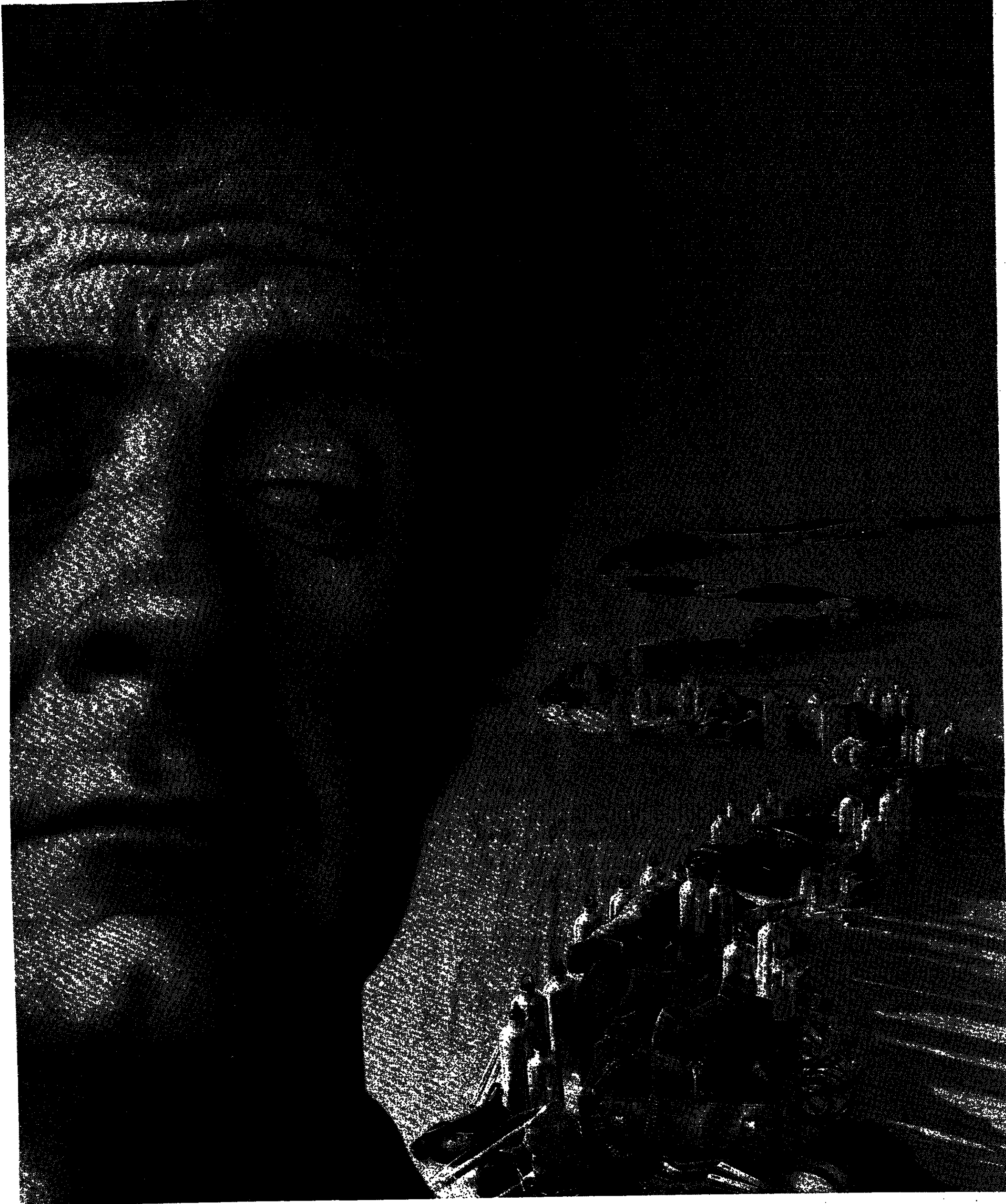
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two shots per second, we've even managed to build in a Sports mode. (Sir Ranulph did do rather a lot of skiing after all). And all this, to use a polar explorer's cliché, is just the tip of the iceberg.

So thanks in part to his camera, Sir Ranulph managed to take everything here and pack it all in.

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Opposition to
local airports
is signalled
for take-off

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Residents fear noise, smells, congestion and accidents



Flight path: Andrew and Marilyn Leah have lived near Farnborough for 25 years, but are concerned at its sale

Opposition to local airports is signalled for take-off

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

TURNING small airfields across Britain into regional airports could become the next big battleground between developers and conservationists. A planning dispute looming over the future of Farnborough aerodrome in Hampshire has highlighted the growing disquiet over the expansion of airfields and the building of new regional airports.

The expansion plans, which in some cases include new runways, "terminal" and roads, are being fuelled by figures from the International Aviation Organisation, which estimates a growth in air services of 5.7 per cent a year. Transport department figures estimate that the growth in regional airport passengers could double or treble by the end of the century.

Airports, say the conservationists, not only carry a risk of noise, congestion, smells of burnt and unburnt fuel and accidents, but also of deicing agents contaminating the water table, flights interfering with birds and new buildings threatening wildlife areas.

Andrew and Marilyn Leah have lived in the shadow of Farnborough airfield for 25 years, tolerating the jet engine noise and air pollution because of the "national interest". Yet this amicable understanding between residents and the cradle of British aviation is rapidly deteriorating as the defence ministry prepares to leave in 1995.

Under plans unveiled by Rushmore Borough Council, and for which six weeks of consultation ended at the weekend, the former Royal Aircraft Establishment will be transformed into a regional airport. It highlights similar plans for scores of airports, quite apart from schemes earmarked for Manchester, Liverpool, Gatwick and Heathrow.

The new Farnborough buyer, rumoured to be British Aerospace, which has its European headquarters there, will secure the right for up to

40,000 scheduled passenger flights a year. At present, the number of air movements, according to council estimates, is about 5,000 civil and 7,500 military ones a year.

Original plans always envisaged 40,000 air movements, the council claims. Making Farnborough a regional airport is the only way to secure the economic and infrastructure prospects for the area when the government downsells it, it says.

Residents such as Mr. Leah, 54, disagree. "Yes, we do take a 'mighty' foot in my back yard, view. Under the flight paths are thousands of homes, schools, a technical college and old people's homes."

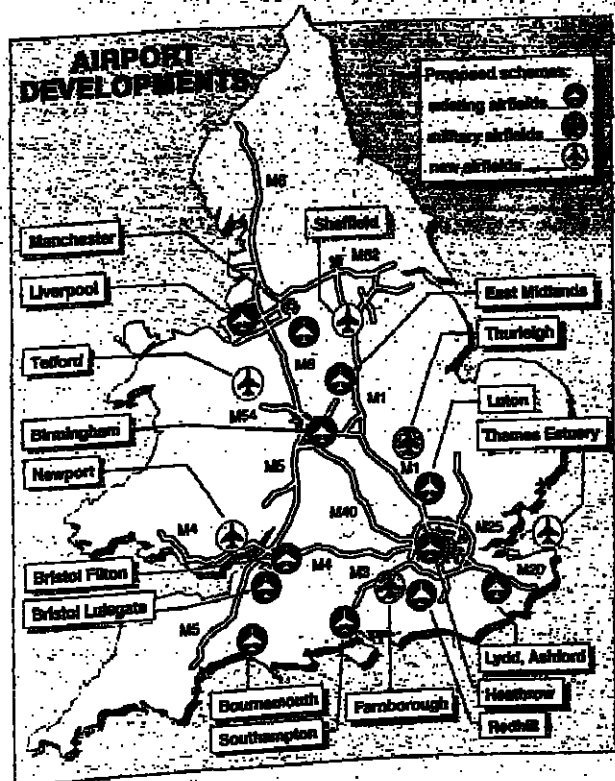
The Future of Farnborough Airfield Group also points to a confidential report by defence-appointed consultants - obtained two years ago, which claims that the airfield is unsuitable because residential and community developments nudge right up to the perimeter fence.

The council, which will decide on the project in late autumn, argues that it will enforce aircraft weight restrictions and encourage modern, quieter aircraft.

Vaughan Richardson, head of town planning services, said: "We are proposing to exclude package holidays, tour operations, experimental test flights."

Residents around Gatwick airport are already preparing battle plans over the Runway Capacity in the South East group (Rucase) report, which will be published later in the year. It is believed to favour building a new runway at the Surrey airport, which will destroy the medieval village of Charlwood.

Tim Johnson, of the Airfields Environment Federation in London, an alliance of local authorities, community groups, environmental consultants and aerodrome bodies, said yesterday that it knew of at least 18 main and regional airport developments.

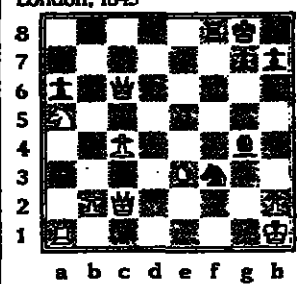


THE TIMES WORLD CHESS CHAMPIONSHIP

BY RAYMOND KEENE
CHESS CORRESPONDENT

HOWARD Staunton, to whom I am paying homage this week as Britain's greatest player before Nigel Short, was famous not only as a player of great strength. He wrote chess books, organised the first international tournament, held at London in 1851, and lent his name to the Staunton-pattern piece, which will be used in *The Times* World Chess Championship.

In this sample of his play, Staunton sacrifices his queen to effect a superb mate by suffocation. The moves have been set out so as to assist readers who are new to following them.

White: Captain Evans
Black: Staunton
London, 1845

1 Nc1+
2 Nc6
3 Bg1
4 Gg2
checkmate

Diagram of final position
a b c d e f g h

In the InterCity Scottish Centenary Chess Championships held at St Andrews this month, the grandmaster Colin McNab scored the following fine win against a fellow grandmaster.

White: C McNab
Black: P Motwani
Scottish Centenary, 1993

English Opening
1 c4 e5
2 Nc3 Nf6
3 Nf3 Nc6
4 a3 g6
5 g3 d5
6 d4 e7d4

7 Nc4
8 Nc6
9 Nc1
10 Bg2
11 Ne3
12 Nc5
13 Bc5
14 Bc6+
15 Bc2
16 Bc4+
17 Dd0
18 a4
19 Bc5+
20 Bc4
21 Rd1
22 Rd1
23 Kd2
24 Rd3+
25 Rb3
26 Rb4
27 a4
28 f3
29 Kc3
30 h4
31 Rc4+
32 a5+
33 Rd4
34 Rd5
35 Kc4
36 Rc5+
37 Rb5
38 Rd5+
39 Rb5
40 Rc5+
41 Rb5
42 Rc5-
43 h6
44 Rc5+
45 Rb5
46 Rc5+
47 g4
48 Rc5+
49 Rb5

50 Rc5+
51 Kd4
52 f4
53 Rc5+
54 a6
Kc6
f5
Rb6
Kd6
Black resigns

Reader's game

I have been deluged with interesting games played by *Times* readers and sent to me for possible inclusion in this column. From now on, I will award a monthly prize of a chess book for the best game submitted, so keep them coming. Send your efforts to me, c/o Championship Chess, *The Times*, 1 Pennington Street, London E1 9XN.

Counter moves

On Saturday, the British Chess Magazine will hold an open day at its Chess Shop at 69 Masbro Road, Kensington, London W14 0LS (tel 071 603 2877). There will be a display about *The Times* championship, rare and antiquarian books will be on show and *Times* readers will be able to pit their wits against new models of chess computers.

Championship update

For credit card bookings for *The Times* championship, ring First Call on 071 497 9977, 24 hours, seven days a week. Those booking during July will be given a voucher for a free lunch at Simpson's-in-the-Strand, worth about £30.

Winning move, page 40

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Labour study uncovers widening poverty gap

By JILL SHERMAN
POLITICAL CORRESPONDENT

SOCIAL injustice in Britain is a scandal which requires radical changes in the tax and benefit system, according to the commission set up by John Smith, the Labour leader, to advise on social policy for the next general election.

The first reports from the Commission on Social Justice, published yesterday, show that two-thirds of the population live on incomes below the national average of £250 a week while the gap between the highest and the lowest paid is wider than at any time since 1886.

Sir Gordon Borrie, the commission chairman, said it was a national embarrassment that 400,000 people were homeless, that more than three million were unemployed and more than three million children lived in poverty.

The reports also show that a fifth of young people are innumerate and that there is enormous geographical variation in the number of infant deaths. "Tinkering will not improve an outdated system," Sir Gordon said. "That is why we diagnose the need for radical change, a new marriage of economic reform and social renewal."

The report shows that cou-

Radical changes are needed to end the scandal of poverty and unemployment, says Labour's social justice commission

ples with dual incomes and no children are the highest earners. Some have a net income of £2,000 a week while 5.7 million people rely on less than £100 a week. Of the £31 billion given away in tax cuts between 1979 and 1992, 27 per cent went to the top 1 per cent of income earners.

Donald Dewar, shadow social security secretary, said: "These reports show a complete reversal of the theory that two-thirds of society are doing well and one-third are not." But some Labour MPs are nervous that the findings will provide modernisers with the ammunition they need for a radical departure from existing party policy. The commission has already said it will examine proposals from Frank Field, the Birkenhead MP, on private pensions, and some members favour better targeting in place of universal benefits.

When the commission was set up last December, Mr Smith made it clear that he favoured the retention of universal benefits. Yesterday Peter Hain, Labour MP for

Neath, said: "After the general election there was a thrust from certain quarters of the party, the so-called modernisers, to attack a number of basic principles such as dumping universal benefits in favour of selectivity and targeting."

The interim reports, the outcome of six months of interviews and research, give no prescription, but Sir Gordon has made it clear that he favours some integration between the tax and benefit system. Other commission members have indicated that national insurance will have to be reassessed.

Sir Gordon said that 14 years of Conservative policies had contributed, directly and indirectly, to economic "underperformance" and social division. He made a sharp distinction between the commission's work and the government's long-term spending reviews, whose sole aim he said was to save money.

The documents insist that action should focus on removing disincentives which encourage people to remain

dependent on benefit rather than seeking work. A chart published with the reports shows that many single mothers are no better off working. Lone parents cannot deduct the costs of child care or travelling to work before benefits are affected. For every pound earned above a low threshold, benefit is cut back. This meant that a lone parent was only £15 a week better off earning £170 than £70, Sir Gordon said. In addition 90 per cent of children under five had no access to day care.

Patricia Hewitt, deputy director of the Institute for Public Policy Research, which is the secretariat for the commission, said that if a married man lost his job, the couple would be better off if the wife gave up her part-time work.

Ms Hewitt, former press adviser to Neil Kinnock, said it was important to revise a benefit system which destroyed incentives to work.

The commission will split into three panels to draw up firmer proposals on income distribution by September 1994.

□ *The Justice Gap and Social Justice in a Changing World*, Institute for Public Policy Research, 30-32 Southampton Street, London WC2, (£3.50 inc p&g).

Leading article, page 17



Hewitt: benefit system which destroys incentives to work must be revised

New leader sets TUC on neutral course

By PHILIP BASSETT
INDUSTRIAL EDITOR

JOHN Monks, the next leader of Britain's trade unions, yesterday emphasised the political independence of the Trades Union Congress from the Labour party.

Mr Monks's emphasis on the TUC's political neutrality comes at a time when some union leaders are fearful that Labour's modernisers are trying to break the party's traditional trade union links.

Nominations for the general secretaryship of the 7.3 million-strong TUC closed yesterday with Mr Monks as the only candidate to succeed Norman Willis, who retires after the annual conference in Brighton in September.

He was nominated by unions representing over 51 per cent of the membership—more than for any of the TUC's 17 previous general secretaries. Mr Monks, 47, an economics graduate, is seen by many union leaders as more capable and tough than his predecessor.

Promising to "restore the clout" of the TUC, he said: "I must speak out as the champion of working people and those who are unemployed—all those who feel exploited, vulnerable and scared." He also had to raise the morale of trade unionists.

Though he refused to be drawn into Labour's difficulties over electoral reform, he placed a clear distance between the TUC and the party. "It could be said that the TUC and the trade union movement generally had put a lot of eggs into the Labour party basket," he said. Such a strategy had "certainly not been successful", with four general election defeats for Labour.

Parliament today

Commons (2.30): Questions; defence; prime minister. Debate on opposition motion on the effect of government policies on the fabric of society. Lords (2.30): European communities (amendment) bill, third reading.

Reports on injustice offer ammunition to the party's modernisers

Yesterday was the easy stage for the Commission on Social Justice, set up last Christmas by John Smith to unclog the arteries of Labour's thinking on the welfare state and taxation.

The two initial reports examine the extent of social injustice and offer principles or benchmarks. The reports are lucid, interesting and suggestive, but they are only a preliminary to the much trickier and controversial task of producing detailed policy proposals.

As yet, they offer neither catchy sound-bites nor costly commitments to be seized on

PETER RIDDELL
ON POLITICS

by Conservative Central Office.

As far as they go, the two reports (available from the Institute for Public Policy Research) provide a useful starting point for Labour's rethink. They point to a continued role for a left-of-centre party advocating active government. They provide ample evidence of what is wrong with British society with widely differing opportunities in education, housing, nutrition and health and

continued sizeable inequalities. The nature of injustice is both more pervasive and complicated than glib talk about a two-thirds/one-third society in which the contentment of the haves precludes help for the poorest.

Sir Gordon Borrie, chairman of the commission, notes that, for one-fifth of the population, the original Beveridge crusade against the five great evils of want, ignorance, disease, squalor and idleness remains to be completed. But he argues, that is not enough. "It is time to extend to everyone the five great opportunities to education, work,

good health, a safe environment and financial independence."

These sound fine as aspirations, even though they are mainly rather vague. But how are they to be achieved? And who will pay? The commission hints at a fresh approach. The structure of benefits is no longer examined in isolation as part of a self-enclosed world of poverty. A consistent theme is the relationship between social deprivation and the chance to work, between the inflexibility of the social security system and the flexibility of the labour market. That is not used, as it so often

is by Labour spokesmen, as an argument against flexible, part-time employment. Instead, the emphasis is on changes to the tax and benefit system to create incentives for paid employment, though with greater protection and rights than now. The absence of adequate child care is treated as being as important as the level of child benefit.

Equality is not seen as an absolute goal. Redistribution of income is seen as a means not an end. Talking of taxing the rich until the pips squeak is long gone. Rather, the reports argue that puni-

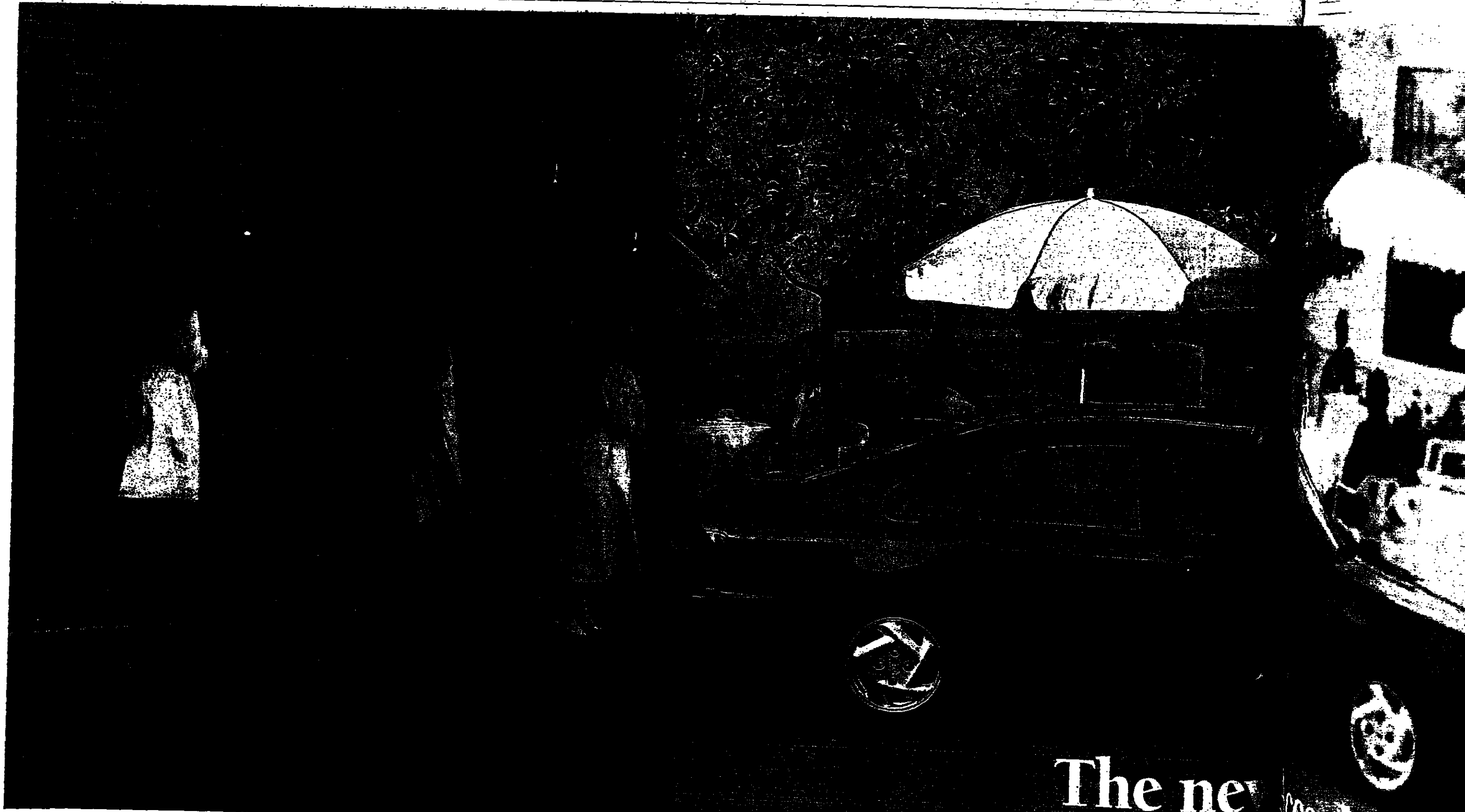
tive levels of taxation are not justifiable, while there are practical reasons why Britain cannot afford levels of personal taxation above those of Germany, France and other EC countries.

The reports are also sceptical about the traditional Labour/Fabian view of a benign state knowing what is best for people. The limits of centralised and paternalistic government provision are emphasised. Less the man in Whitehall knows best, than government as enabler.

There is the embryo of a new approach for Labour here, and a clearer alterna-

tive to that recently put forward by Peter Lilley. Much will depend on how radical the commission is prepared to be in its detailed recommendations: how far it is prepared to go in proposing integration of the tax and social security systems and in advocating targeting (the current euphemism for selective, as opposed to universal, benefits). Its final report could amount to a manifesto for Labour's modernisers, provided they are bold, and politically self-confident, enough to grasp the opportunity.

PETER RIDDELL



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Mississippi floods reach out to affect whole nation

FROM MARTIN FLETCHER IN WASHINGTON

THUNDERSTORMS compounded the misery of the flood-ravaged Midwest of America yesterday, causing more broken flood barriers and evacuations as the run-off from 40 per cent of the nation's land mass swelled the spreading Mississippi river.

The death toll rose to 29 and hundreds more people were ordered from their homes as the banks of the river and its countless tributaries, although defended by 75 million sandbags, were breached from the southern suburbs of Chicago to St Louis.

While the nine worst-hit states have barely begun to look beyond the immediate human tragedy, the Great Flood of '93 is already affecting the entire nation: 11 Midwest airports are shut down; six key bridges across the Mississippi and Missouri rivers have been closed, severing east-west links for 250 miles; and cross-country freight trains are being rerouted, adding days to their journeys. Supplies from eastern states are not reaching the west and vice-versa, while incoming cargoes are backing up at Pacific coast ports. North-south traffic has also been halted along a 600-mile stretch of the two great rivers, leaving 2,000 barges stranded

and costing the barge industry more than \$3 million a day.

"If you look at the entire transportation system, everything is affected," said Federico Pena, the transport secretary. Restoring the system would be an enormous undertaking and there would be a "long-term interference with commerce".

In the Midwest, at least 30,000 homes have been damaged and nearly 17,000 square miles inundated, including some of the world's most productive farmland.

The farmers should mostly survive, thanks to crop insurance and disaster relief, but the later-than-usual floods mean they cannot now replant, and this year's crop has gone. The lost income and slump in land values will sharply erode the tax bases of small towns in the river basins that were already struggling to provide basic services.

The figures are spectacular. Illinois alone expects to lose \$1.5 billion (£1.02 billion) of soybeans, Iowa \$1 billion of corn. Prices will shoot up, but the beneficiaries will be the unaffected farm states such as Michigan, Ohio and Indiana.

Thousands of businesses have been destroyed and workers made idle. States such as Minnesota report slumps in tourism of up to 40 per cent, further eroding revenues at a time when authorities will have to spend millions of dollars rebuilding.

To date, President Clinton has asked Congress for \$2.5 billion in emergency aid. He has promised to try to increase that, but is severely constrained by America's huge budget deficit. Mel Carnahan, the governor of Missouri, estimated that his state alone had lost \$2.7 billion, \$1.4 billion of that in agriculture.

Diary, page 16



Medical conference: President Clinton talking with his mother, Virginia Kelley, and Dr Jocelyn Elders, his nominee for surgeon-general, on the tarmac at Hot Springs airport, Arkansas. The president was returning to Washington after a brief visit to his home state

Rush of muddy waters brings the blues to St Louis

FROM BEN MACINTYRE IN ST LOUIS

Joining forces with the swollen Missouri and fed by further rain, the Mississippi reached new record-breaking levels yesterday morning as it crashed into St Louis, the largest city yet to feel the full might of the Midwest flood.

Some water defences on the outskirts of the city had already crumbled as the Mississippi flood crest approached, and one neighbourhood in the southern suburbs was flooded within minutes after a dike ruptured, forcing the evacuation of hundreds more people.

The river reached its new record peak at nearly 47ft in St Louis in the early hours of Monday, 1ft above flood level and just 5ft below the top of the concrete flood barriers or levees which have so far

kept the city's centre dry. But in outlying areas of the city, the fortifications are lower and weaker. In south St Louis, a dike holding back the River des Peres, a concrete-lined channel designed to carry off the overflow from the Mississippi, gave way despite frantic reinforcing with 25,000 sandbags, and sent muddy waters rolling into the streets.

Residents waded through the reeking floodwater to rescue belongings, machines and pets. Some people have resolutely refused to abandon their homes. For most of the past month St Louis has been preparing for this battle. The conversation, from taxi drivers to city officials, is of redoubts, reinforcements and troop deployment, as the city has shored up its already

weakened defences against the enemy bearing down from the north.

Although the river has now reached its highest point at St Louis, according to the National Weather Service, the danger to the city is far from over, and the huge volumes already gorging the water system are being maintained as rain continues to fall in areas throughout the upper Midwest. "Once you hit the crest, that's the beginning of the end," said Albert Shippe, a weather service hydrologist. "But it's a long way from being over."

With every day that the city's defences are soaked and battered, Engineer Corps officials say, the chances of a big breach multiply and St Louis is digging in for a siege

that is expected to last well into next month. The crest will now work its way south. But not until it reaches Cairo, Illinois, in about three days' time, where the river basin widens, will the wave of river water and the danger of unexpected flooding subside — depending on the rain.

Upriver from St Louis, the flood has left a soggy wave of destruction, with 30,000 people now homeless, 8,000 homes or businesses destroyed, and 16,000 square miles of farmland underwater. Damage estimates are now around \$10 billion (£6.75 billion), and rising.

In Des Moines, Iowa, 250,000 people are still without drinking water after treat-

ment plants were flooded a week ago, and across the river between St Louis and Burlington, Iowa, most bridges have been swamped, bringing traffic to a virtual standstill. In south central Wisconsin on Saturday, a 12-year-old boy was swept away by a flash flood, bringing the total of flood-related deaths to 29.

In central St Louis, onlookers have gathered to watch the debris-laden torrent hurtling south past the landmark Gateway Arch, just a few feet below the concrete reinforced flood barriers. Early yesterday, Christians gathered at the arch for a meeting to pray for an end to the flooding and destruction, while local television stations held a "floodwatch" and dispatched volunteers to load sandbags.

President tones down gay policy

BY MARTIN FLETCHER

A CHASTENED President Clinton was last night announcing a new policy on homosexuals in the military that amounted to a significant retreat from his sweeping campaign promise to end outright illegal status.

The new "don't ask, don't tell, don't pursue" policy was denounced as a betrayal by American gays, and even the White House conceded that it was "not everything the president had hoped for".

But officials said it was the most that Mr Clinton could achieve given the implacable opposition of the joint chiefs of staff and leading congressmen to lifting the ban on homosexuals. He is anxious to bury the issue which he admits has damaged his presidency more than any other.

Gerry Shulds, one of America's two openly gay congressmen, called it a "very, very marginal step forward", while Sam Nunn, the chairman of the Senate armed services committee, wrecked White House hopes of presenting it as a first step only. He will today introduce legislation to codify the new restrictions. The White House instead contended it gave homosexuals a "zone of privacy" they had not previously enjoyed. Since 1971 the military has discharged 28,638 gay servicemen.

The new policy ends the military's practice of asking recruits their sexual orientation, prohibits investigations of servicemen without "credible evidence" of their homosexuality, and bars homosexual behaviour rather than homosexuality per se. However it continues to prohibit any sort of homosexual conduct on or off base, and bars any admission of homosexuality — however private — except to a doctor, lawyer or chaplain.

□ Denver: The Colorado supreme court, in a victory for gay rights groups, said yesterday that an anti-homosexual amendment approved by the state's voters could violate the American constitution, and ordered a delay in its enforcement. (Reuters)



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Failure of Tokyo's main party to win outright majority puts Miyazawa leadership in jeopardy

LDP puts on brave face as coalition horse-trading starts

FROM JOANNA PITMAN IN TOKYO

LEADERS of Japan's Liberal Democratic Party put on a convincing show of confidence yesterday, concealing the party's byzantine array of competing interest groups that have already sprung up to do battle for supremacy in selecting the next party leader and prime minister.

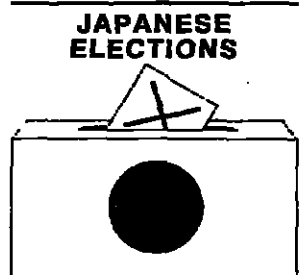
Taking stock of their first parliamentary minority status, party leaders also launched what promises to be a lengthy period of negotiations to form a coalition government. The LDP fell 33 seats short of a majority in Sunday's election to the 511-member lower house, the Diet, and will be forced to pay the price in offers of position and patronage to potential partners.

Several small conservative parties hinted coyly yesterday that they had "not ruled out the possibility of 'marriage' with the LDP", a statement which, when stripped of its ambiguous political cladding, indicates a willingness to be wooed with cabinet positions.

An extraordinary parliamentary session to elect the next prime minister must be convened within 30 days of Sunday's election, but the internal wranglings that have begun between the LDP's pro-reform groups, the diehard conservatives and those linked to two simmering new corruption scandals, promise several weeks of turmoil behind closed doors.

The Tokyo stock market, considered the barometer of national sentiment, registered its approval yesterday of the LDP's remarkably robust performance, in spite of its weakened state, with an early morning rally. In the light of the defection of almost 50 Liberal Democrat MPs in the past month, and the emer-

gence of several reformist parties, the ruling party's performance indicates that it has lost little of its traditional base. Kiichi Miyazawa, the LDP chairman and prime minister, said he expected coalition discussions to last "a long time", but offered no hints as to which parties are attracting



Final result

	Seats before	Seats won	poll
Liberal Democrats	223	227	
Social Democrats	70	135	
Komeito	51	45	
Shinto	55	36	
Japan New Party	38	0	
Sekiguchi	13	10	
Dem Socialists	15	13	
Shimizu	4	4	
Independents	30	11	

the roving eyes of the party's marriage-makers.

Mr Miyazawa also refused to be drawn on his personal prospects as party leader, which have looked bleak ever since the no-confidence motion on June 18 that forced the dissolution of the Diet and the election. He stuck rigidly to his arranged script, stating repeatedly that the unity of the LDP was his priority. Some analysts have predicted more defections from the party.

The new "reformist" parties

Shinseito (Japan Renewal Party) which won 55 seats, and the Japan New Party, which officially merged yesterday with Shinto Sakigake (New Party Harbinger) and now claims a total of 48 seats — won votes at the expense of the Social Democratic Party, the former Socialists.

While a coalition of all non-communist parties could amass enough seats to put the LDP in opposition, such an arrangement remains unlikely because of the differences in policies, principles and, perhaps more significantly, the ambitions of their leaders. They will be waiting to see which groups gain ascendancy within the LDP.

The effects of their new weight in parliament is expected to be felt in the greater degree of instability, an inevitable result of a coalition government. "The legislative process will of course be slowed and I expect about six months of domestic instability," Takashi Inoguchi, professor of politics at Tokyo University, said.

The strong position of the new parties in the Japanese parliamentary equation will also force the LDP to make rapid and, at least outwardly, sincere efforts to introduce electoral and political funding reforms. A second election is expected soon after reforms are enacted, a contest that would be fought on terms disadvantageous to the LDP, which has traditionally benefited from rural voters that carry three times the weight of urban votes because constituency boundaries have not been redrawn to reflect demographic change.

Japanese work ethic, page 16
Leading artist, page 17



Victor and vanquished: Tsutomu Hata, left, who led last month's parliamentary revolt against Kiichi Miyazawa, right, the LDP leader, has emerged as a potential candidate for prime minister after his fledgling Japan Renewal Party, or Shinseito, won 55 seats in Sunday's poll

Women take half step forward in a man's world

FROM SHIGEMI SATO IN TOKYO

WOMEN won a record 14 seats in the Japanese general election. Since they were given the right to vote after the second world war, they have never held more than 12 seats in the lower house — in 1949 and again after the election three and a half years ago.

Three prominent women politicians have been re-elected to the 511-seat lower house, the Diet. Takako Doi, the former socialist leader and the only Japanese woman ever to lead a big political party, beat Yuriko Koike, of the Japan New Party, an emerging conservative force.

Miss Doi, 64, won 220,000 votes against 140,000 for Ms Koike, 41, to be

elected at the top of a five-seat constituency near Kobe. Miss Doi's Social Democratic Party banded to keep its place as the main opposition group.

"More women should come on to the centre stage of politics," she said after being assured of victory early yesterday. "I hope it becomes natural for women to run against each other in the same constituencies."

In a five-seat district in Niigata prefecture near the Sea of Japan, Makiko Tanaka beat eight other candidates with 93,000 votes, taking up where her ailing father, Kakuei Tanaka, 75, the former prime minister, left off. In 1985, he was

convicted of taking bribes from the American aircraft maker Lockheed. He left politics in 1990.

Miss Doi, a former law professor, resigned as Social Democratic chairman in 1991 after five years leading a party riven by internal strife between Marxist ideologues and centrists who inclined towards power-sharing with conservatives. She still champions ideological purity.

The present socialist leadership is seeking to form a coalition with centrist parties and defectors from the Liberal Democratic Party, which won 223 seats. (AFP)



Doi wants women to be centre stage

UN envoy hails breakthrough on Iraqi arms

BY RICHARD BEESTON

ROLF Ekeus, the United Nations envoy, claimed a diplomatic breakthrough yesterday after resolving a bitter dispute with Baghdad over weapons verification. He might also have paved the way for the sale of Iraqi crude oil on the world market for the first time in three years.

"I do not see any crisis after these talks," the Swedish diplomat said. After five days of meetings with Iraqi leaders in Baghdad, the regime of President Saddam Hussein had accepted the installation of cameras and "innovative" measures to monitor two missile test sites south of the capital.

It was still not clear whether the apparent climbdown by Saddam was a tactical move in his "cheat and retreat" policy, or if the decision marked a genuine change of attitude. At the weekend, the Iraqi leader made a scathing attack on President Clinton and last month's missile attack, but pointedly he did not refer to the present dispute with the UN.

Mr Ekeus certainly seemed impressed by the Iraqi change of heart yesterday and said that a new UN weapons inspection team would be arriving in Baghdad soon to implement the monitoring of the missile sites. He said: "Iraq has stated that they are ready to comply with plans for future monitoring and verification adopted under resolu-

tion 715, so that is a very important statement by Iraq. We feel that on the commission side we would recommend the security council accept or express its approval of these arrangements."

A UN official in New York said the "interim solution" meant that surveillance cameras would be installed at the missile sites but not activated because the sites were not at the moment ready to test fire missiles.

It appeared that in return the UN would accept Iraqi demands to hold high level technical talks in New York next month or in September to discuss Iraq's compliance with UN resolutions and possibly ease the three-year economic blockade against Baghdad.

Earlier yesterday, the *Middle East Economic Survey*, based in Cyprus, reported that Boutros Boutros Ghali, the UN secretary-general, had assured Iraq that the UN would approve limited Iraqi oil exports if the present crisis was overcome peacefully. Under the proposals Iraq would be allowed to sell more than £1 billion worth of oil over a six-month period under tight UN supervision.

In anticipation of a glut on the world market, the benchmark oil price fell under \$16 a barrel yesterday for the first time since the Gulf war, although it rallied later.

Price scare, page 22

Ciller opposed on true path for new Turkey

FROM ANDREW FINKEL IN ISTANBUL



Modern symbol: Tansu Ciller, first woman prime minister in Ankara, says people know Turkey has to change

Tansu Ciller may be Turkey's first woman prime minister but she will probably also go on record for having a shorter political honeymoon than any of her 49 predecessors.

Tonight Mrs Ciller is due to address the Turkish nation for the first time since forming her government two weeks ago and many commentators see her as already fighting for her political life. In one of her first private interviews since taking office, however, Mrs Ciller spoke confidently of seeing Turkey into full union with the European Community by 1996 and setting the country's political agenda by the year 2000.

Mrs Ciller is most animated when discussing the reasons for her surprise victory last month, when provincial delegates from her True Path Party chose her as leader not only in defiance of most expectations, but against the wishes of Suleyman Demirel, the former leader who is now the Turkish president.

The American-educated prime minister is what Mr Demirel could never be — a symbol of a modern Turkey at ease with the world, a country which now stands a chance of enjoying a standard of living most Turks could once not have imagined. Mr Demirel recently said he never thought Turkey would have a woman prime minister, but that he was pleased it had happened. It was he who introduced Mrs Ciller to politics only three years ago. She was the fresh face who appeared on political

advertisements offering what to many Turks is still the pipedream of a key to their own house and car.

Mrs Ciller says the Turkish people believe she can still deliver that prosperity because they understand that Turkey has to change. Yet even before she took office, the prime minister was battling reaction in the country and her own party. In the Anatolian town of Sivas, a mob attempted to attack a self-appointed Turkish champion of Salman Rushdie's *The Satanic Verses*, and as a result 36 people died in one of the worst outbreaks of Islamic fundamentalism in Turkey since the 1930s. On the day her cabinet was formed, militants of the Kurdistan Workers Party attacked a remote village, burning homes and killing 28 people.

Last week civil servants marched through the capital to serve notice that they were not to be made scapegoats in the fight against an inflation rate approaching 60 per cent. The Turkish military

Times interview

has also put pressure on Mrs Ciller to give them the tools to solve the Kurdish problem. Unlike Mr Demirel, a master of smoothing over the wrinkles, Mrs Ciller complained publicly that she had inherited a country "on fire".

In an interview with *The Times*, Mrs Ciller pledged herself to forging a national consensus to put out the flames. Tonight's television address is an attempt to go over the heads of the politicians to recapture some of the enthusiasm which greeted her initial selection.

Some of her most determined detractors come from within her own party, a rebellion she helped to fuel when she refused to reappoint 17 of the 20 ministers from True Path in her administration.

Such an act of political bravery would be more convincing to many minds if they felt that she and her new cabinet understood government better. In Ankara, Mrs Ciller is an economics professor from Istanbul, where money and not bureaucratic decisions have been made.

It is not simply economic power that is slipping away from Ankara. When Mrs Ciller speaks tonight her voice will be carried by up to ten private television stations based in Istanbul, which have shattered the state monopoly on broadcasting.

Mrs Ciller believes that time is on her side and that the system favours a new leader's

ability to consolidate power. Her advisers believe she will stand or fall on her ability to deliver on two important issues. The first is the deteriorating public security in the largely Kurdish southeast of the country. The second is rationalising state expenditure, and in particular divesting the hugely unprofitable state economic sector.

Yesterday Mrs Ciller promised that she would not "put aside democracy" while trying to provide security for people who live in the south-east. For the moment, however, she has been forced to retreat on proposals which would allow Kurds the right to broadcast in their language or learn Kurdish at school.

What the people of the region wanted more than anything, Mrs Ciller said, was "the right to live". The Kurdistan Workers Party did not represent the Kurds in Istanbul, in Adana or even the southeast. They were terrorists who killed Turks and Kurds, women, children and old people, she said.

Dealing with the economy may prove an even thornier political problem. Rationalising the state sector means not only shedding jobs in a country of high employment, but political patronage too.

In this Mrs Ciller may take heart from her recent meeting with Baroness Thatcher. "She is a woman I admire," Mrs Ciller said. But she indicated that she would follow very different policies.

NEWS IN BRIEF

Six Inkatha supporters killed in Transvaal

Johannesburg The killing of six Inkatha President Fanie Snyman's supporters yesterday in the undeclared civil war between supporters of the African National Congress and Inkatha to a new peak (Michael Hamlyn writes).

At the same time, the multi-party constitutional talks resumed after a fortnight's interruption, this time without Inkatha and the far-right white Conservative party.

The killing of the Inkatha members happened as a minibus, returning from Natal, was waylaid by 12 armed men at Wadeville, in the Transvaal. The passengers were required to identify their political allegiance. Seven men said they supported Inkatha. They were taken to a field and shot. One man survived and is in hospital critically ill.

Castro calls for cash injection

Salvador da Bahia, Brazil President Castro of Cuba appealed to Latin Americans for private investment while staunchly defending his communist regime and citing Cuba's one-party system as a guarantee of stability. Dr Castro is seeking investment for the island state's economy after failing to convince leaders at the Inter-American conference last week to condemn US-imposed sanctions.

Spy fund arrest

Rome Antonio Galati, administrator of Italy's civilian intelligence service, was arrested on suspicion of embezzlement over a multi-million-dollar secret "spy fund". Three other officials were being sought. (Reuters)

Burma date

Rangoon Aung San Suu Kyi, Burma's pro-democracy leader and Nobel Peace prizewinner, begins her fifth year under house arrest today, in spite of international calls for her release. (AP)

Jumbo egg

Sydney A huge egg found north of Perth is the 2,000-year-old fossil of the *Amphymegastoma* (elephant bird), extinct in Madagascar for 800 years. How it reached Australia is unknown. (Reuters)

Bhutto starts on comeback trail

FROM CHRISTOPHER THOMAS IN ISLAMABAD

PAKISTAN'S interim cabinet, a team of bureaucrats chosen for their political neutrality, was sworn in yesterday by the acting president, Wasim Sajjad. The country is now in the hands of managers with no mandate to tackle any controversial issues: none of the cabinet will be allowed to contest the October 6 election.

Benazir Bhutto, the opposition leader who was in power for 20 months until she was dismissed at the army's behest three years ago, has already begun organising her comeback campaign. All eyes now are on Miss Bhutto, who still carries some clout. But she no longer enjoys the confidence of the Americans and other

Western countries, because she is seen as an opportunist who could create havoc in her quest for power. Her time in office was a period of constant turmoil and almost no legislation was enacted.

The first task of all parties will be to draw up a list of candidates. Money is a key issue: candidates have to finance their own campaigns because of the poverty of the parties. Most MPs, therefore, are rich: many come from the feudal landowning classes or are businessmen; and some make their money from drugs.

Ghulam Ishaq Khan, the outgoing president, delivered a nationwide television and radio address early yesterday,

confirming his departure. He also acknowledged the "responsible role" of the army in ending the stalemate.

Mian Nawaz Sharif, the outgoing prime minister, is seen by the poor as the rich man's champion. He is hugely rich. Western observers are impressed by Mr Sharif's economic reforms, even though political instability has scared off substantial foreign investment and made many of the changes meaningless.

All four provincial assemblies have been dissolved and elections to them will be held on October 9. Neutral chief ministers and governors have been appointed to manage interim administrations.

Israel's deadly warrior fights on at 40

FROM RICHARD BEESTON IN JERUSALEM

WITHOUT fanfare, one of Israel's most famous warriors, the Uzi sub-machine gun, for years the weapon of choice of Israeli commandos and Colombian cocaine barons, has passed into middle age. Still showing no signs of retiring, the formidable weapon has turned 40.

It was developed by Uzi Gal soon after the Jewish state was founded in 1948 because the fledgling Israeli army needed a modern replacement for the locally made version of the second world war British Sten gun. A million Uzis have been produced at a factory in Tel Aviv since 1953: the weapon has been sold to about 60 countries, where it is in service from the American president's secret-service bodyguards to some of

Israel's most implacable foes, among them Iran's Revolutionary Guards, who inherited them from the deposed shah's security forces.

Jacob Tamir, a spokesman for the weapons group of Israeli Military Industries, attributes the success of the Uzi to its simplicity and reliability, characteristics that won it many battle honours in Israel's victorious 1967 Six-Day war and the daring and almost entirely successful hostage rescue operation mounted by Israeli commandos at Entebbe airport in Uganda in 1976.

More recently, however, the Uzi, which has branched out into a four-member family, including the Uzi pistol, the smallest automatic weapon of its kind in the world, has acquired a notoriety that its designer could not have imagined. It has become the most

popular weapon for gangsters from Medellin, the Colombian drugs capital, to Hollywood, where it has been immortalised as the ultimate bad guy's gun.

"I am often asked if this bothers us," said Mr Tamir, who recalled that the company feared the worst a few years ago after an American documentary highlighted the dangers of allowing modern automatic weapons into the hands of the public and focused in particular on the Uzi. "When Barbara Walters made that programme we thought our sales would be severely hit, but quite the opposite happened."

"The day afterwards our orders doubled — I suppose even bad people can recognise the best. Production will continue as long as there are orders to fill — and we have orders from all over the world."

EC threatens Croats with sanctions over fighting in Bosnia

By Eve-Anne Prentice
DIPLOMATIC CORRESPONDENT
AND OUR FOREIGN STAFF

A EUROPEAN Community mission is to visit Croatia this week armed with the threat of economic sanctions against the Zagreb government if it fails to halt "ethnic cleansing" and attacks on Muslims in Bosnia.

However, EC foreign ministers meeting in Brussels did not impose immediate economic measures because Germany, Croatia's staunch ally, raised objections. The Community mission was announced as fighting intensified around Sarajevo, the Bosnian capital, in what is regarded as a last grab for land. With the peace process edging forward, Serb forces are fighting to dislodge Bosnian Muslims from towns and villages on and around Mount Igman, which overlooks the city.

Willy Claes, the Belgian foreign minister, is to represent the EC in the mission to Croatia, which will also visit Serbia and possibly Bosnia-Herzegovina. He is expected to leave Brussels for Croatia today.

Mr Claes intends to tell President Tudjman of Croatia that the Community will suspend preferential trade treatment if the Zagreb government does not stop the attacks by Croats in Bosnia. "The objective of the mission is to get parties to sit down at the negotiating table without delay," said Mr Claes, whose country holds the EC presidency. He repeated the EC's determination to find a solution in Bosnia "which is acceptable to all parties and viable for the Muslims".

Klaus Kinkel, the German foreign minister, said after yesterday's meeting: "The [EC] presidency is to inform the Croats that sanctions are being discussed. It is always better to continue discussions and clarify situations than to

■ The EC is trying again to stop the war in Bosnia. If it fails, there may be no hope of preventing about 32,000 Muslim refugees making the perilous dash into Sarajevo

come down at once with the big hammer."

A British official put it more succinctly, saying: "The gun has been cocked but not fired." Croatia has come under increasing international pressure to stop military action by ethnic Croat militias against Muslim civilians in central Bosnia and around the southern Bosnian city of Mostar. Lord Owen, the EC peace negotiator, who briefed the foreign ministers yesterday, said "ethnic cleansing" by Croats was "absolutely inde-

Prisoner swap

Belgrade: Croat and Serb forces exchanged 174 prisoners overnight in the southeastern Bosnia-Herzegovina town of Kovacic, the Serb news agency said yesterday. Two Bosnian Serb journalists, who were detained in January while covering the Croat takeover of a strategic hydroelectric dam in Krajina, the Serb-held enclave in Croatia, were also released. (AFP)

feasible". He said EC nations "have to face the fact that we are not prepared to acquiesce in 'ethnic cleansing'".

Douglas Hurd, the foreign secretary, said the EC's "need to change their ways in Bosnia" if they are to go on having the kind of relationship they are seeking with the Community.

Lord Owen also said there was a chance Bosnia's Muslims would join direct peace talks in Geneva this week on ending the war in their country. He added, however, that

winter could bring more disaster to Bosnia.

As many as 32,000 people could be forced to make a perilous dash into Sarajevo, which can barely cope with its present population and has almost no water or electricity, if the advancing Serb forces capture Mount Igman, Sarajevo radio said the heaviest fighting yesterday was on the west of the mountain, overlooking the town of Hadzici, opposite central Sarajevo.

Peter Kessler, a spokesman for the United Nations High Commissioner for Refugees, said in Sarajevo that residents and refugees living on or near Mount Igman feared the Serbs would sweep through their towns, leaving them no choice but to flee across the UN-controlled airport into the capital. The airport is exposed to Serb sniper fire and scores of people have been killed in nightly dashes across the clandestine route — the only way into or out of the city.

Mr Kessler said the UNHCR was "extremely preoccupied" with the potential for a humanitarian disaster. "It could be a staggering event, very tragic," he said. He added that the UN had refused to entertain a Croat proposal to deport to other countries about 10,000 Muslims rounded up during the fighting in Mostar and now detained at an old factory.

Bosnia's collective president, Alija Izetbegovic, said yesterday that the UN's inability to reimburse poor countries contributing troops was a breeding ground for black marketeering by some peacekeepers, lowering morale, and making countries reluctant to take part in the mission.

"Paying for Unprofor is a real problem," he said. "All UN member states have budgetary problems and our financing runs into the billions. At the end of six months of operations, UN peacekeeping operations world-



Reunited land: Croatian soldiers and civilians stand in front of the pontoon bridge over the Maslenica channel which was opened at the weekend as the only road link between the north and south of the country

Desperate UN's cash crisis puts peace work in peril

By Eve-Anne Prentice

UNITED Nations peacekeeping in the former Yugoslavia is beginning to crack under the strain of the UN's financial troubles. A gaping hole has already appeared in the United Nations Protection Force (Unprofor) in Croatia, with the departure last month of a battalion of 900 Nigerian troops. The UN has been unable to reimburse countries providing troops for over a year, and now nobody can be found to replace the Nigerians.

The shortfall comes at a critical time in Croatia, where fears of a new war between Croats and Serbs are high. There are now eight infantry bat-

alions left in Croatia, and all are said to be deeply unhappy about the lack of money at the UN.

Shashi Tharoor, who leads the Unprofor team at UN headquarters in New York, said in London yesterday that the UN's inability to reimburse poor countries contributing troops was a breeding ground for black marketeering by some peacekeepers, lowering morale, and making countries reluctant to take part in the mission.

"Paying for Unprofor is a real problem," he said. "All UN member states have budgetary problems and our financing runs into the billions. At the end of six months of operations, UN peacekeeping operations world-

wide had collected barely 50 per cent of the money owed by members states. The figure was slightly less for Unprofor. This has meant that since June 1992, we have been unable to reimburse states the \$1,000 (£670) a month they are due for every soldier they provide.

"Soldiers' morale drops and we have had reports of some soldiers being reduced to black marketeering. Our people are very stretched. Since the Nigerians left in June we have not found a single country ready to pay for their replacement."

In the meantime, Argentina has threatened to pull its battalion out of Croatia. The lack of cash has also affected reserve stocks of vital equip-

ment such as tents and electricity generators. "We used to draw on a working capital fund for these, but it has zero dollars and zero cents in it," Mr Tharoor said.

Troops from some Muslim countries who want to join the peacekeeping forces in Bosnia-Herzegovina lack even basic equipment such as flak jackets, and Unprofor's inability to provide them is one reason their offers have not been taken up.

Britain has told the UN that it is withdrawing a mobile hospital, manned by 180 troops, from Croatia after completing three months' more service than it had promised. The hospital, known as a field ambulance, has completed two six-month tours.

Mental patients left alone in war zone

FROM HUGH NEVILL
IN SARAJEVO

United Nations troops entered a town in central Bosnia-Herzegovina to find it half-deserted but the mental hospital there full, with some patients locked in their rooms.

The 230 patients — 100 of them children — had been left alone for the past three days in the hospital in Fojnica, 30 miles west of Sarajevo. Luuk Niessen, a UN protection force spokesman, said yesterday.

Some of the patients in the hospital for extreme mental cases were locked in their rooms and were without food, water or lavatory facilities, said Peter Kessler, a spokesman for the United Nations High Commissioner for Refugees. The babies were suffering from malnutrition.

Major Niessen was unable to say what first aid the Canadian troops with the UN protection force gave the babies when they found them on Sunday or if they brought them out of the town.

Fojnica had a population of 16,000, with 49 per cent Muslims and 41 per cent Croats living in harmony, before the start of the war last year. The entire area erupted in fighting between the two ethnic groups over the past few months. In a village southeast of Fojnica, the Canadian patrol discovered a hospital with 700 elderly patients being cared for by one doctor.

Major Niessen said that the southern part of Fojnica was deserted. The Canadian soldiers came under machinegun fire, but did not suffer any casualties, he said. "Houses seemed to have been evacuated rapidly, leaving doors open, clothing on lines, and cars left behind."

The UNHCR said that two nurses went in with the Canadians, but "because of firing in the area" they came out with the troops on Sunday night. He added that UNHCR personnel, the Dutch arm of Médecins sans Frontières, and the United Nations International Children's Emergency Fund were going into Fojnica with UN troops.

They were to take a carload — about 600lbs — of milk and baby food yesterday. The Médecins personnel would evaluate the medical needs, Mr Kessler said. "They may spend the night, depending on the situation there — it's said to be very, very bad."

Major Niessen said the troops had not entered the northern half of the town, which the Bosnian Muslim army captured from Croat soldiers last week, so were unable to say whether it, too, was deserted. (AFP)



Worried leader: Shashi Tharoor, Unprofor's New York chief, is unable to pay for more troops in Bosnia

Artificial fertilisation debate

Italy divided over 'assembly line' births

FROM JOHN PHILLIPS IN ROME

PUBLIC opinion in child-loving, predominantly Roman Catholic Italy has long been divided over the exploration of the limits of fertilisation techniques by Severino Antinori, the gynaecologist who is once more in the public eye for his treatment of a 58-year-old British woman expecting twins in December.

His methods have been denounced repeatedly by the Vatican. But Dr Antinori, 46, said in 1989: "All these creatures who I have helped come into the world from 'impossible parents' are also a little children." He told Oggi magazine: "I dedicate all my time to research for new therapy against sterility and I believe very much in what I do. I think this is the field of the

future because our world, reduced to a zero growth rate, is more stricken by this illness all the time."

Dr Antinori came to fame in 1988 when a popular television show disclosed the case in his treatment of Mamela C, 20, who "learned" her womb to give birth to a baby fertilised by her mother, 53, with sperm from her step-father. "It's my mother's child and I am happy to do something like this for her," the woman said.

The case invoked a furious response from the semi-official Vatican newspaper L'Osservatore Romano: "This girl has been painfully used for nine months as an incubator, a prisoner of the selfishness of the mother and of execrable techniques."

Dr Antinori defended his decision. "I reflected a lot. In the end I decided that if the family situation was not resolved it could make them unbalanced," he said. He added that he was deliberately causing a little orphan to be born. When he is grown up he will be told that his father died 10 years before he was born and that his mother "fabricated" a child. Children cannot be made on an assembly line. This is a choice beyond the limits of humanity."

Dr Antinori, however, justified his decision on grounds of the long-lived family history of his patient, whose parents both lived to be over 90. "The most important thing was moral — the affection that the women nourished for her late husband," the doctor was quoted as saying.

Monsignor Ersilio Tonini, chairman of the bioethical committee of the Italian Conference of Bishops, said: "In this case we are deliberately causing a little orphan to be born. When he is grown up he will be told that his father died 10 years before he was born and that his mother 'fabricated' a child. Children cannot be made on an assembly line. This is a choice beyond the limits of humanity."

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Honour for Brundtland withdrawn

FROM TONY SAMSTAG
IN OSLO

ONE of Europe's biggest conservation bodies yesterday announced that it had withdrawn a prize previously awarded to Gro Harlem Brundtland, the Norwegian prime minister, in protest at Norway's resumption of commercial whaling.

The European Environmental Bureau, an umbrella agency representing about 150 voluntary organisations and pressure groups, gave Ms Brundtland the prize, known as the Twelve Environmental Star Award, in 1989 in recognition of her work as chairman of the United Nations World Commission on Environment and Development.

Ms Brundtland has won a number of awards for her chairmanship of the commission. Last year, however, she announced that Norway was to resume hunting the north-east Atlantic minke whale, in spite of an international ban on commercial whaling.

Raymond von Ermen, general secretary of the bureau, said last week that he felt Ms Brundtland's decision violated an important conservation principle defined by her commission as "sustainable development", the argument that natural resources should be exploited, but only so long as they can be renewed naturally. "She received the award for her work on a sustainable future, and is now breaking this principle," he said.

Another bureau source said that since 1940, the minke whale population had decreased by almost three-quarters — a decline that made indefensible the decision to kill 296 animals this year.

Sardinia separatists target 'colonialists'

By John Phillips

MENACING protests by separatists in Sardinia, coupled with a revival of the kidnapping industry in the Mediterranean island, promise a miserable summer for wealthy tourists with villas at the fashionable resort of Porto Rotondo on the Costa Smeralda.

Police sources said that a hundred extra officers were drafted in at the weekend to protect the holiday homes of Luciano Benetton, the clothing magnate, Silvio Berlusconi, the television entrepreneur, Maria Marzotto, a society hostess, and about

thirty other prominent Italians after the Sardinian independence party threatened to bulldoze their homes.

Angelo Caria, the separatist leader, accuses the "colonialists" from the mainland of illegally installing gates and barriers on footpaths and public land next to the beaches, denying access to local people.

He told a crowd of 300 supporters who drove into Porto Rotondo from the strongholds of the independence movement, the towns of Nuoro and Sassari: "This is the last peaceful warning."

Next time we will knock down the walls of the villas ourselves."

An independence party statement carried by local radio and newspapers added: "We are coming with bulldozers to demolish your illegal walls and gates."

To add to Sardinia's problems, the kidnapping last week of Maria Gioliani, the wife of a local lawyer, has revived fears among the rich of being abducted and held for ransom by bandits. Police have frozen the bank accounts of her relatives to stop them paying a ransom.



Benetton: extra police guarding his property

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A flavour of Kenneth Lo

Julia Llewellyn Smith meets an author, broadcaster and restaurateur who has devoted his life to persuading the British that there is more to a Chinese meal than chop suey and chips

On September 12, Kenneth Lo will be 80 years old. To celebrate, he has planned a banquet of ten dishes. From the ginger and onion oyster pancakes, as served from street stalls in Shanghai in the 1920s, to the fresh fruit salad and peach sorbet, presented in the same way as in 1946, when it was served to commemorate China's victory over Denmark in the Davis Cup, each dish will mark an event in Mr Lo's long and extraordinary life.

It is a typical gesture from a man who has always preferred celebration to introspection. To the British, Mr Lo is the man who inspired us to see that there was more to Chinese cooking than chop suey smothered in ketchup. His cook book *Chinese Food* has been continuously in print since 1963 and is a staple in every self-respecting kitchen. His television

Mandarin for the BBC World Service.

Only three years ago Mr Lo was still playing tennis for the British veterans' side. Today his energy appears to be running out. Sitting in his restaurant Memories of China, in Chelsea Harbour, he is the epitome of the courteous, elderly gentleman, dressed immaculately in a blazer and tie. His wife of 40 years, Anne, a former daughter from Hertfordshire, runs the business now. He sits and reminisces about the photographs on his wall, which show him playing tennis with characters as diverse as Roscoe Tanner and the deputy Chinese prime minister.

Despite a keen intelligence, Mr Lo's diplomatic instincts and love of fine living have made him reluctant to become involved in polemics. His memories recall the bright young things of an Evelyn Waugh novel, charlestoning while London

'You don't have to serve up pig's stomach and ox's penis'

burned. Through-out his life he appears to have deliberately steered a middle course, dabbling in everything. "I wasn't a model student at Cambridge," he says. "I didn't want to read all the set books, I preferred Damon Runyon." He left Cambridge with no plans. "When you have studied English you have no training for anything. You do what you can do and make the best of it." He became the industrial relations officer for the Chinese consulate in Liverpool. Here he discovered the soothing powers of a communal feast, calming disputes between Chinese seamen and West Indians by inviting the two sides to dinner.

He did not become professionally involved with cooking until 1954, when, undeterred by a total lack of culinary experience, he wrote his first cook book at a friend's request. Ten years later, his career took off when Penguin asked him to write *Chinese Food*.

In the 1960s, Britain was still emerging from post-war culinary gloom. Chinese restaurants were springing up across the country, as an influx of migrants from the Hong Kong New Territories responded to the new demand. All that was missing was a standard recipe book; the only one available was full of tips such as using Marmite as a substitute for soya sauce.

Mr Lo's tactics were to under-emphasise the peculiarities of Chinese cuisine, in favour of making it accessible. "I had a difficult time convincing the serious *effortado* that he didn't have to make a baseline for those dubious establishments which serve up pig's stomach, congealed chicken's blood and ox's penis," he writes.

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Lo country: the author at his Chelsea restaurant — he believes that food can bridge cultures

His early days as a food writer were undertaken in a typically slap-dash style. Many of the recipes were never tried out and simply copied from Chinese cookery manuals. But he quickly developed a sense of purpose that had always been lacking before, as he realised that food was the most powerful medium to bridge very different cultures. "I became aware of the universal impact of food and how that could be used in the projection of Chinese culture," he says. "Chinese cooking appeals to all cultures. Because it is a compound cooking that mixes ingredients, it can be varied in an infinite number of ways. In modern society it makes a lot of sense."

The battle in the early days was against the mediocrity of so much Chinese cooking. As an inspector for Egon Ronay and *The Good Food Guide* he recalls scores of restaurants where sweet and sour pork would be served up besides a mountain of chips. The founding of his cookery school and Gourmet Club, which organised foodie trips to China, helped to raise the standards of Chinese cooking in Britain until it could rival the best of French or Italian.

The culmination of his life's work was the opening of *Memories of China* in Belgrave, in 1980, followed a nine years later by its sister in Chelsea Harbour. Mr Lo has returned to China

several times, but he is reluctant to discuss the politics of his homeland. Although Mrs Lo appears to be the practical one of the couple, it is she who finds China more romantic and has travelled widely there. Mr Lo's attitude is pragmatic. "The Chinese don't explore that much. They live reasonably well. The drawbacks should be measured against what they have managed to achieve."

His ambitions now are similarly focused. "Everything is so much more difficult to do now," he says. "I would just like to live a comfortable life."

● *The Feast of My Life* is published by Doubleday next month (£16.99).

Costly, complex — and meaningless

Big BS5750 is watching you

WHEN I die they can write what they like on my tombstone, as long as it's not "She meant well." That withering epitaph, that intimation of limitless chaos benignly caused, that implied relief at the world being finally rid of the most appalling nuisance, must be reserved for that once sober and worthy organisation, the British Standards Institution. For the BSI surely cannot survive its nemesis, a little thing called BS5750 (Quality Assurance).

Before I tell you what's wrong with BS5750, let me tell you why you should care. You should care because companies in every sector of British industry, from engineering and computing to public relations, and even including firms of architects, solicitors, window cleaners and GP fundholders, are beginning to say that anyone that has not got this infernal piece of paper will be out of business within five years. Why? Because bigger businesses, government departments and local authorities will only buy goods and services from those who have.

Right, then, BS5750 matters. But what is it?

Al ha, that's the multi-million pound question. It is not "synonymous with product or service quality nor any substitute for it." The BSI is quite clear about that, and any firm claiming that its product or service meets BS5750 will be reported to trading standards officers who will prosecute under the Trade Descriptions Act. No, no, BS5750 is "a measure of the supplier's capability to meet specified requirements" in terms of its own management system. The requirements are specified with bottomless vagueness in the relevant six-page BSI booklet (cost £23). Take Section 4.1.2.2:

"The supplier shall identify in-house verification requirements, providing adequate resources and assign trained personnel for verification activities."

To a window-cleaner who wants to go on working for Blankshire County Council this may simply mean writing down that he checks the windows are clean before leaving the job. But it may mean something quite different, so he'd better get in a consultant, at £650 to £1,000 a day, to make sure. This is where the multi-millions come in.

All that, BS5750 registration provides is, quoting the BSI, "assurance that an organisation is following its own procedure to ensure the quality of its products or services". Not much, eh? What began in 1979 as a modest attempt to raise management standards in engineering companies by applying more widely the standards laid down for suppliers by the Ministry of

Defence has become, to the bewilderment and dismay of the BSI itself, a mega-nonsense of bureaucracy, falsehood, and competitive behaviour and a rip-off of the taxpayer to boot. Certainly you can find among the 20,000 companies so far registered those that say the process did them good, but you'll find others that have been trapped into diverting 15 out of 40 staff into vigilance duties to ensure they go on complying with the standard.

You'll also find a lot of very happy management consultants. BS5750 only really took off in 1988, when the trade and industry department agreed to pay half to two-thirds of the consultancy costs incurred by companies registering for the standard. That's the taxpayer rip-off.

Our national schizophrenia about regulation, encapsulated in the Tory tag "You have to regulate in order to de-regulate", has translated itself into a situation in which anyone can set himself up as such a consultant, and there's nothing to stop him also setting himself up as an assessor of whether the company he has advised meets BS5750.

Incredible but true, there isn't even a single, standard BS5750 certification form. The DTI set up a Noddy body called the National Accreditation Council for Certification Bodies, with whom the BSI itself and 31 other, purely commercial, organisations are accredited for the purpose of adjudicating and awarding BS5750 certificates. But, presumably in the free market interest, the BSI says it's proper and legal for any old Joe to go round certifying "in the market place". So the NACCB is a Noddy body with knobs on.

A SMALL businessman joining what has been called "this unwholesome confection of gravy train and snooping" for the sole purpose of survival takes small comfort from the equivocal new government circular advising local authorities against making BS5750 a requirement for tendering. They're doing it anyway, so he has to pay about £4,000 to go through this process, plus perhaps £1,500 a year to get himself audited as per the rules.

Meanwhile, a large company with a reputation for quality — viz. Marks & Spencer — decides to register for BS5750 while smugly telling you that many of its suppliers have. How long before M&S insists that all the poor blighters do so? At this rate, every little Britain will be a BS5750 consultant/assessor by the millennium, completely obliterating the primitive path to hell with his bumph. Are we all mad?



MARGOT NORMAN

You've never had it so bad

The 1930s depression offered some chance of recovery. There is less optimism about the 1990s recession

Thanks to the greater realism that seems to have arrived with the new Chancellor, we are beginning to see more clearly the true legacy of the present depression just as the long-awaited green shoots are beginning to appear. There is general agreement that it is the worst we have experienced in Britain since 1945. Should we not be seeing it as likely to be worse even than the Great Depression of the 1930s?

The welfare state ensures that the hardships of the present jobless are nothing like those suffered by their parents and grandparents. The welfare state, despite economies, is far more caring. The unemployed do not march in protest nowadays. But if the suffering was greater in the 1930s, much lower state expenditure made it easier for the economy to recover. Even if we assume that half, rather than the more often quoted 70 per cent, of the present, huge and growing borrowing requirement, now £50 billion, is attributable to the recession, continuing unemployment and other welfare payments must form a very substantial part.

There are now nearly three million people receiving unemployment benefit, although this is not by any means the total number of jobless (perhaps another million) who are supported by other means. These are totals which, according to the best modern recalculation, roughly relate to the 3.4 million out of work and 2.8 million receiving unemployment benefit of some sort

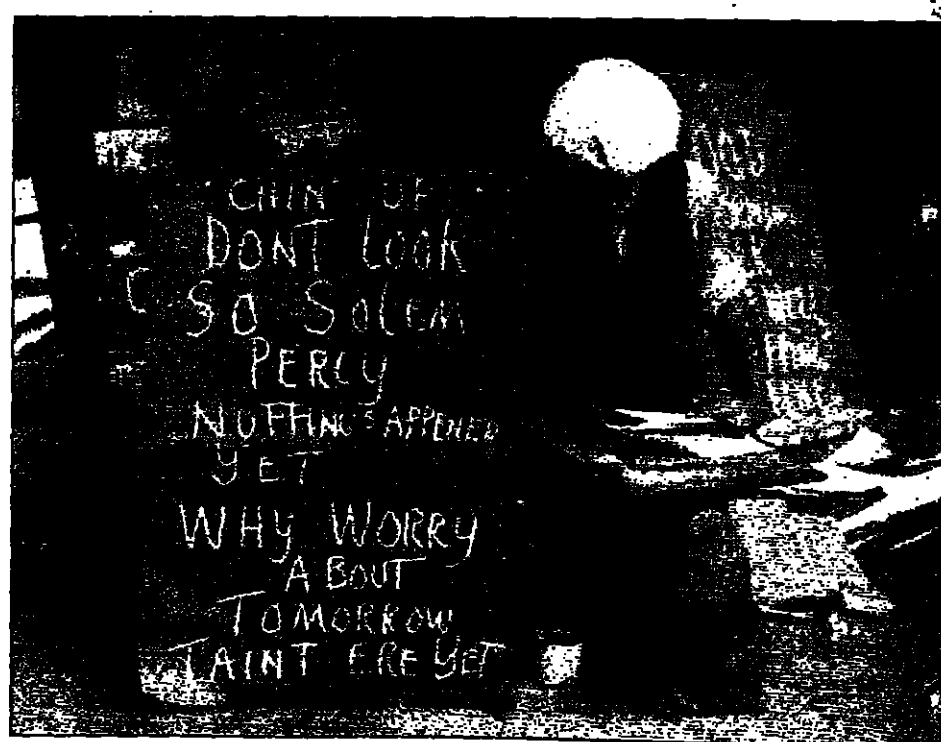
in the smaller labour force (21 million) at the trough of the depression in 1932.

The present deprivation, however, is much more widespread. In the 1930s it was concentrated particularly in those areas which depended upon coal and iron, cotton and ship-building. Now, empty factories, offices and shops betray the tell-tale signs of depression all over the place.

Most of the jobless this time have had little experience of lack of work. To that extent, higher expectations make their predicament worse to bear: insofar as all poverty is relative, their fall in income from work to welfare has certainly been greater.

Managers and the better-off now find themselves among the ranks of the unemployed, often in middle age when it is more difficult, if not impossible, ever to find a job again. Such collapses of family fortunes were rare in the 1930s. Few higher-priced houses had to be put up for sale.

Indeed, the property market is far less promising now than it was then. With the bank rate down to 2 per cent in 1932, mortgages were cheap; and with imported food and raw materials also cheaper, the 85 per cent of the population still with jobs benefited from larger disposable incomes. They could afford to take these cheap mortgages and buy their own homes. The demand for new houses was met by speculative builders while, at the same time, local authorities put up council houses as part of their slum



Tomorrow never comes: but is there anything to laugh about in today's recession?

clearance schemes. New building not only stimulates demand for building materials, but also for British-made carpets, curtains, furniture, pots and pans and the rest.

The new homes of the 1930s also introduced many people to electricity, and with it newly acquired British-made electric fires, irons and cookers. They also bought mains wireless sets and radiograms which provided a flourishing base for the British radio industry. How many radios and television sets are British-made today?

The country was also doing well in the other industry with bright prospects: motor vehicle production. Output of the newer industries and rationalisation of the older ones

strengthened Britain's inter-war manufacturing base. Exports of manufactures and income derived from insurance, banking and shipping services more than paid for imports. All very different from today, when there is no longer any certainty that Britain has a sufficiently broad manufacturing base even though what remains is more efficient.

Efficiency, however, makes job creation more difficult. Even in the labour intensive 1930s, with the promise of growth and, in the later part, the beginnings of rearmament, the jobless total stood at two million in 1939 — seven years after the worst of the depression. Nowadays, with cuts in defence expendi-

ture and further substitution of capital for labour in manufacturing (robots), offices (computers) and retailing (supermarkets), how hard is it going to be to reduce unemployment to two million in seven years? The best projections suggest that the population of England and Wales alone is likely to rise by nearly two million between 1991 and 2001. It is surely high time for greater realism and the beginnings of a debate about the seriousness of our present predicament.

THEO BARKER

● The author, professor emeritus of economic history at the University of London, was responsible for the recent BBC Radio 4 sound archives programmes on the 1930s.

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Should medicine defy nature by enabling older women to bear children, asks Dr Thomas Stuttaford

Great expectations at 58

A 58-year-old British woman is four months pregnant with twins, having been given hormone treatment by Professor Severino Antinori at a Rome clinic. There are already several cases on record in which older women have borne babies after an artificially fertilised, donated ovum has been implanted into a uterus prepared to receive it by the administration of appropriate hormones. The hormones are those that the ovaries stop producing at the time of the menopause.

It would seem improbable that a woman of 58 could bear a baby. Casual examination alone would have shown that her general musculature had lost its youthful resilience and strength, and the skin and the subcutaneous tissue its elasticity. A pelvic examination would have shown that her vagina was becoming dry and atrophic, and the uterus shrunken. It had therefore been assumed, until recently, that the post-menopausal woman's uterus was no more capable of harbouring a child than were her ovaries of producing eggs.

However, as medical knowledge of the hormone control of the menopause, hormone replacement therapy (HRT),

has improved, so it has been found that the correctly administered hormones not only keep the bones strong, but the skin more elastic and the genitalia youthful. So youthful, in fact, that a woman's uterus can be rendered fit to nourish a fertilised ovum. Once a fertilised ovum has been implanted, the normal pregnancy cycle is triggered and the mother carries the baby to term. She can also breastfeed should she wish to.

It now seems that the decreasing fertility of a woman as she approaches the menopause is more a result of the poor quality of the ova (eggs) that she produces each month than, as used to be thought, an aging uterus.

Whereas the pharmacological problems of turning a post-menopausal uterus into a suitable incubator for a developing embryo are relatively simple, the ethical problems are complex. A glance at Joan Collins' confirms that



Ethical dilemma: how yesterday's Today saw Professor Severino Antinori

many women in their fifties and sixties now look, and presumably feel, young.

If these women have never had children, and perhaps have recently married, it is understandable that they might want to experience a pregnancy and give birth. Any baby would not be genetically the woman's but would be the product of her husband's sperm and an ovum donated by an unknown woman. The delivery is almost certain to be instrumental, usually a caesarean section.

Balanced against the joy which may be provided for an older woman, near pensionable age, is the question of the desirability of bringing up a child when the mother will be eligible simultaneously for the local over sixties' 'Forget Me Not Association' and the Young Mothers' Club. Ideally, young children need parents who are emotionally flexible, who have friends with children of the same age, and who are physically active

so that they can take part in all aspects of the child's development.

As the ovum is donated by a younger woman there is no increased risk that the child will suffer from chromosomal abnormalities. Having an aging father does not seem to increase the hazard of having babies with genetic disease.

Perhaps the most important ethical problem is that of the donorship. Although ovum donation is often referred to as if it were as simple and easy as sperm donation, collecting an ovum involves the donor in considerable inconvenience, some discomfort and, very occasionally, a severe reaction to the drugs given to stimulate ovulation.

Donors are in short supply and so, perhaps those women who are good-hearted enough to supply eggs should be certain that the resulting child will go to a home likely to provide the best possible environment. They might like, too, to think that they were helping to create a young family where the would-be mother was prevented from having children by, for instance, a premature menopause, ovarian disease or Turner's syndrome, which results in a woman being born without ovaries.

An embryonic hope for diabetes cure

American patients are queuing to test out implants of Russian tissue

DOCTORS in California are about to embark on a series of experimental transplants using foetal tissue and technology imported from Moscow which they hope will provide a cure for diabetes. Although the procedure has the potential to help millions of diabetics, the experiments are controversial, because of their use of imported foetal tissue and because some American doctors consider the Russian technology unproven, and the experiments premature.

Diabetes arises when cells in the pancreas, called islets, produce insufficient quantities of the hormone insulin. Although western researchers have made only limited progress towards finding a cure for diabetes, surgeons in China and Russia claim they can restore a diabetic's ability to produce insulin by implanting healthy islets from aborted foetuses.

In 1988, the US administration banned the use of human foetal tissue for research or transplantation, so the communist technology could not be tested here. But in January, President Clinton rescinded the ban, and the Sansum Research Foundation of Santa Barbara has taken advantage of this, with imports from Russia, seeing it as the quickest way to help American diabetics.

Russian surgeons will visit the clinic with tissue samples later this month. The clinic

ed between 12 and 20 weeks. The Russians are expected to bring enough to treat 40 patients, and have given assurances that mothers of the aborted foetuses will be fully tested and all procedures will be documented in accordance with American standards.

Although the treatment is experimental, Dr Formby and his colleague, Dr Charles Peterson have no shortage of willing patients — there is already a waiting list of 300 lined up for the transplants. Cells from between ten and 16 foetal pancreases will be used for each patient. By using this approach, known as high-zone tolerance, they hope up to 20 per cent of the transplanted cells will not be rejected and will be left to produce insulin normally. This would allow the patients to come off insulin without facing the prospect of using drugs to suppress their immune systems instead.

A second feature of the experiments is that at least some patients will have the islet tissue injected into muscles of their abdominal wall, in line with Russian practice, rather than implanted into the liver, kidney or pancreas, the method which has been the focus of western research.

Both sides involved in the transaction are operating as non-profit organisations, but the Americans will pay all the expenses involved in obtaining the foetal tissue, amounting to around £2,400 per



Dr Formby: his experiments were held back by the KGB

wants to see how well the tissue travels and will carry out tests before implanting patients. If everything is satisfactory, the Russian surgeons will make a second trip next month for the operations.

However, Dr Paul Lacy, an internationally renowned diabetes specialist, opposes both the foetal imports and the transplants. He claims that he has pleaded for hard data from the Russians and Chinese for years, and yet, "there is no scientific evidence — none, not even one patient — that foetal pancreas transplants work for diabetic patients." Because of the lack of published research, he argues that even if foetal tissue is to be imported, further tests should be carried out on mice before proceeding to human experimentation.

One of the Sansum team, Dr Bent Formby, argues that the Russian transplants do work, but that the evidence has not been published because of KGB suppression. "Many of my patients are children. I see what they are going through every day with dialysis and complications. I want to help them now."

The clinic has received permission from the Food and Drug Administration to import the frozen tissue, which is obtained from foetuses abort-

ed patients. Although Dr Formby thinks the procedures could ultimately benefit children, the most, at present patients must be 18 or older to sign the legal consent form acknowledging the foetal source of the tissue.

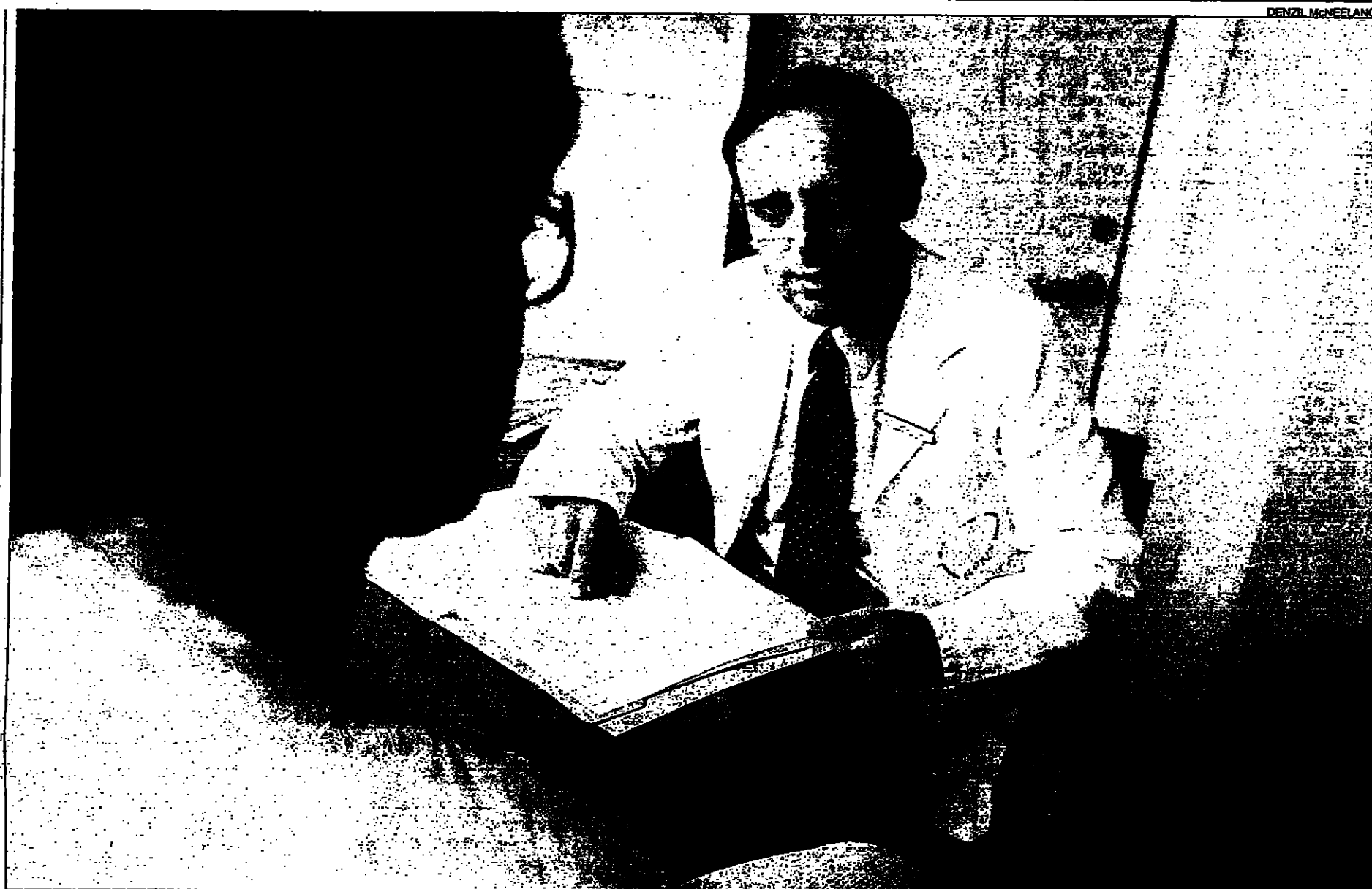
Dr Formby believes that the foetuses as well as the technology need to be imported, because it will take years to organise American foetal tissue banks.

BUT Dr Lacy, who was a member of the committee that drew up guidelines for the use of foetal tissue before the ban was imposed by the Bush administration, disagrees. "I think the foetal tissue used here needs to be American, obtained under the guidelines. Also we need to determine the quality of the tissue before we use it."

Dr Formby, however, believes the imported tissue does satisfy the US guidelines and he is convinced that because it is frozen to the temperature of liquid nitrogen, it is of high quality, with very little risk of contamination.

Even if the transplants go well, the American patients will have to be monitored for at least a year, before the success of the experiments can be judged.

EVELYN BRODIE



"We are not always talking about one-stage breakthroughs": Professor Karol Sikora looks for volunteers who themselves may not live to benefit from his gene therapy trials

Twenty women — most of whom have less than a year to live — are to become the first in Britain to take part in gene therapy trials against breast cancer.

In gene therapy, a form of treatment which is likely to be one of the medical milestones of the century, artificial copies of the body's own genes are used to alter the way the body functions. It is seen by many medical scientists as the best hope yet of conquering a wide range of previously untreatable diseases. The trials are due to begin in September at the Hammersmith Hospital in London.

But this pioneering form of treatment is also forcing doctors to tackle an important ethical dilemma: they must tell patients they recruit to such trials that, in all likelihood, they will gain no benefit from the experiment. Yet, without their co-operation as volunteers, in clinical trials, such treatment may never be available to others with the same disease.

Unlike other important forms of medical treatment which have immeasurably improved the lives of many people — such as antibiotics and blood pressure-lowering drugs — gene therapy can be tested on animals only to a very limited degree. "Most of the cancer-causing genes we are dealing with are highly specific to humans," says Karol Sikora, professor of clinical oncology at the Hammersmith.

Professor Sikora is now explaining to a number of patients eligible for the clinical trial that, initially, one cancerous breast nodule (small, visible tumours which develop in patients with advanced cases of breast cancer which has proved resistant to radiotherapy and chemotherapy) would be injected with the gene therapy treatment. The results would then be compared with another nodule that has not been injected.

Only in about a year, if this test proved successful, would the Hammersmith team move to the next stage and inject the patient with sufficient amounts of the treatment to attack all the cancerous cells infecting their body.

The approach marks an

'I may be a guinea pig but this at least offers hope of a cure for others'

Gene therapy could, in time, cure cancer — but time is against the sufferers. Aileen Ballantyne reports

important difference between medical practice here and in America, where some doctors have taken the controversial step of giving terminally ill patients radical gene therapy or gene transplants with no preliminary human trials.

Professor Sikora, like most British doctors, is critical of this "aggressive" approach to treatment. "The public have to realise that we are not always talking about one-stage breakthroughs," he says.

"To promise otherwise is to offer false hope. Even if a terminally ill patient begs you to proceed straight to the treatment you have to have scientific validity to do so."

Many cancer specialists believe gene therapy may be able to conquer cancers that have proven resistant to other forms of treatment. Of the applications for the use of gene therapy, both here and in America, most are intended

for use in the battle against cancer.

There are about 40 known cancer-causing genes and the Hammersmith trial is focusing on one known to "switch on" the disease in about a third of all cases of breast cancer, which affects one woman in 12, and kills 20,000 women in Britain every year.

Surgery and radiotherapy have proved extremely effective in cases of "solid tumour" cancers of the breast, lung and bowel where the cancer is localised in one area. But unfortunately, in about two-thirds of such patients, the cancer cells spread to other vital organs.

Chemotherapy can be effective in many cases, but it is highly toxic and is unable to differentiate between healthy cells and cancerous ones. Consequently, it can be given only in limited quantities. This is where gene therapy comes in. In the Hammersmith trial, funded by the Imperial Cancer

Research Fund, an artificial copy of a "friendly" cancer-promoting gene that is recognised and welcomed by cancerous cells throughout the body will be used as a "Trojan horse" to deliver a cancer-killing drug while leaving healthy cells unscathed.

The system works by combining two totally different elements in a "vector" which will carry them into the body. In this case, the vector is a retrovirus, which incorporates itself into the DNA of a cell and can make endless copies of itself.

The two elements carried by this vector are an artificial copy of the "switching on" mechanism of one of the main breast cancer genes, known as erb B2, coupled with an artificially created copy of another gene which is capable of activating a normally harmless drug into a highly toxic anti-cancer drug.

When this drug is administered the drug becomes toxic only in the cancerous cells which have unwittingly welcomed it because it was attached to the erb B2 gene they need in order to proliferate.

The trial, which is awaiting final approval from the government-appointed committee on gene therapy, could lead to this form of therapy replacing chemotherapy for many forms of cancer within three to five years, according to Professor Sikora. Within ten years it may be possible to perform a gene transplant, which will actually correct the defective gene which "switches on" the cancer in the first place.

At first sight such caution may seem surprising, given the huge potential of gene therapy and gene transplantation. But this treatment represents a journey into uncharted territory. The government-appointed Clodier committee, which reported on the ethics of such therapy and transplants last year, specifically outlawed any treatment involving "germ line" cells which could pass on genetic alterations to future generations.

But, even with this precaution in place, scientists are taking a series of steps to avoid other possible dangers. The viruses needed to deliver the genes into the body are "disabled" to ensure that they are not infectious to hospital staff

or anyone with whom the patient comes into contact. Furthermore, the viruses are equipped with a "suicide gene" to ensure that, should they alter in some unpredictable way and become infectious, they can be treated with a commonly used antibiotic.

But the very fact that such precautions are being taken makes it clear that, in this case, scientific caution is perhaps justified. Progressing stage by stage also means that, ultimately, the treatments will be better, as doctors will learn far more about their effects.

But caution and patience are difficult concepts to accept when you are dying. One of

those likely to be among the first to have the pioneering form of treatment for breast cancer is a 60-year-old woman from west London. She says she was keen to take part in the trial and has clearly been fully informed of the details. But, however hard doctors try to explain the limitations of such trials, patients with terminal illness will still hope for a miracle.

"I'm doing it 50 per cent for others in the future, and 50 per cent for myself, in the hope that the full treatment will be available in time for me," she says. "I have been fighting this disease for 15 years. I am always hoping desperately that there will be a breakthrough."

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Lynne Truss



Sometimes there is nothing more intriguing than a boring desk job

It's official. It was in the paper on Saturday. The reason women make good spooks (or employees of the secret service) is that they can deflect awkward personal questions, especially over dinner. "So what do you do?" they are asked, routinely. And instead of excitedly blurting out the latest litany of arms-deal catastrophes, they cleverly feign a suppressed yawn and say, "Me? Oh, nothing. I have a boring desk job at the Ministry of Defence. Paperclips, that kind of thing. Dust, Turkish carpet, Cup-a-Soups, nine to five, calligraphy, tea-trolley, cheese rolls, Argos catalogue, Club biscuits." These MIS women are masterly at it, obviously. I imagine them left out of the general conversation, eating, listening. And whenever the talk threatens to veer back in their direction, they just mutter "paperclips" again, and it's gone.

Men, on the other hand, tend to give the game away. Asked the same question, a man will evidently suck his teeth thoughtfully, smile into the middle distance, and then hoarsely whisper, "Ooh, sorry, I'd love to, but classified, careless talk, Brixton, Circus, say no more" — at which everyone promptly stops talking or eating, and someone drops a fork. In the ensuing silence, he pretends to change the subject. "Did you say you'd been to Prague for a holiday? Funny, I was once shot in the leg in Pr—" He stops, looks around. "Whoops, ha ha," he jokes. "No, but really let's talk about you and your allotment. I'm sure it's much more interesting."

On Saturday, when this interesting gender fact was first revealed, I have to admit I was confused. I always thought it was the other way around — that women talked openly (in my own case, compulsively) about their jobs, and that men did not. Well-mannered men, in particular, often refuse so obstinately to divulge their occupations — either they consider it impolite to boast, or they think you should know without asking — that you can sit next to a chap for hours, wildly demonstrating the special effects in Jurassic Park (complete with roars, thumps, tussles and realistic squirts of ketchup), before finally discovering that he's controller of Radio 3, or married to the Princess Royal. Sometimes you don't find out until it's too late to apologise. "That was the Primate of All England," someone will say to you at a party, nodding at your new friend as he wanders off, scratching his head. Numbly, you sink to the floor with your fingers in your mouth. You just asked him to take you dancing.

But what impresses me most is the thought of those high-powered women heroically preening their wear slippers in the office. How do they cope with the follow-up questions? Or is it really true that if you say the words "boring desk job", people will enquire no further?

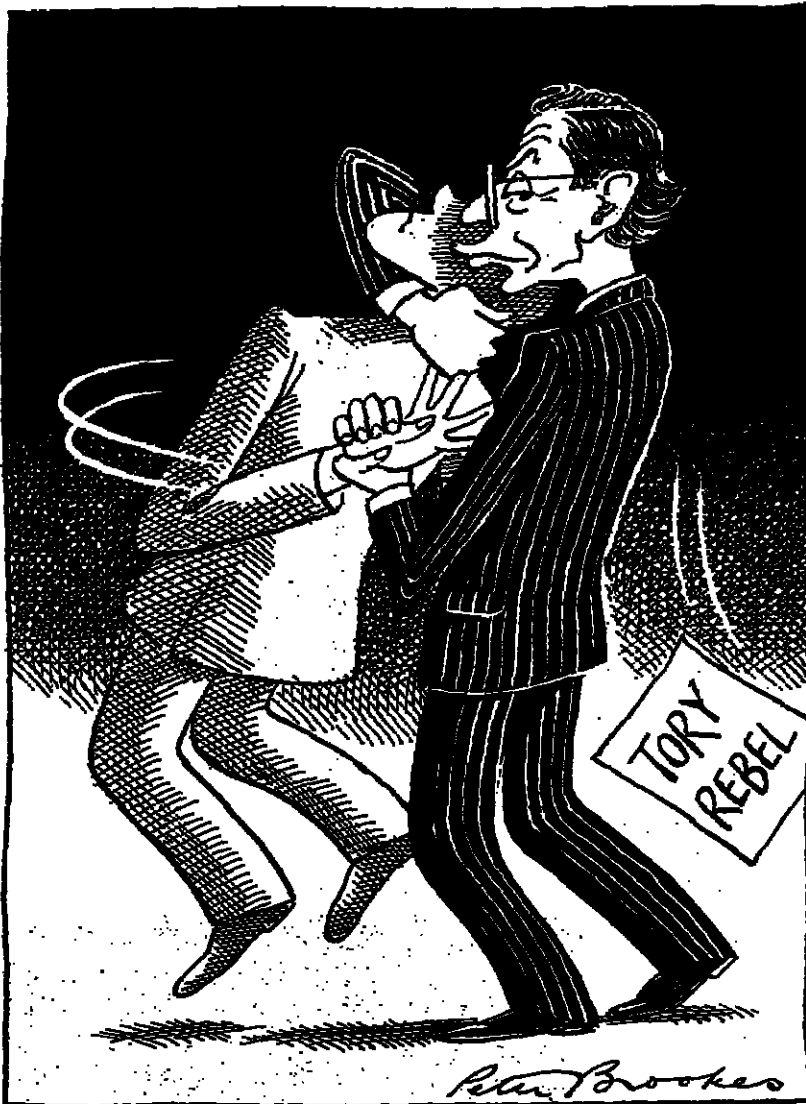
I remember an alarming moment from an innocent girl's night out in Twickenham, when I came out of the Ladies to rejoin the little group of rugby fans we'd met (what larks), and bumped into my friend, menacingly lying in wait. "Stop saying you're a journalist," she hissed, with the veins curiously jumping out on her neck. "Why?" I said, jumping backwards. "Because it scares off the blokes. Tell them you've got a boring desk job." I was stunned. "I can't," I said. "What if they ask a supplementary question?" She glared. She danced on the spot. "And trust you to use the word 'supplementary'!" she barked, before barging through the swing door with a mighty shove from the shoulder.

I realise I could never be a spook. Not just because I would betray secret operations by careless dinner-party chat, but because I consider the invention of alter egos a dangerous practice. Surely it's hard enough being one person, without deliberately trying to be two. Imagine, in order to keep saying "boring desk job, oh yes, boring desk job", you would have to believe in it so completely — the Tube journey, the green triplicate forms — that surely one morning you would wake up and find it true, like something blackly paranoid out of Kafka, even down to the Club biscuits. The horror! "Help me, someone. I worked for MIS, and now I have a boring desk job!" you would yell, but no one would listen. "But you always had a boring desk job," they would say, with narrowed eyes, like conspirators. "Or that's what you always said."



20/vii/93

SOCIAL CHLAP



SOCIAL CHAPTER

Festival of darkness

What is a householder to do when confronted with a horde of trippers who recognise neither property nor propriety?

Bernard Levin

In all the years I have been writing columns for *The Times* (about 22 I make it, and no reversion for good conduct, either) I do not think I have ever done what I am about to do now: indeed, I am amazed myself even as I write these words. Let me explain.

As you may imagine, a man who writes, as I do, on a very large range of subjects, inevitably invites a massive postbag; and mine is a nonpareil heap. Apart from the rude and mad ones, I deem it my duty to reply; even though many can be answered by a few words, there are still many which really require a good deal of thought and often more than that. But not long ago, I received a letter so striking and so significant that as I read through it I felt that it would be a great pity if it were to be seen only by me, because it points — and its point is sharp indeed — to something in our world which troubles very many people. I therefore wrote back to the writer of it, and asked him whether I might quote from his letter. He replied promptly, saying that I could use it in any way I thought fit, but by the time I got his second letter I had made up my mind that it should be published in its entirety, except for a few omissions which would or might have identified him. And why, you ask, should he want anonymity, if he was so willing to tell me his story? The answer to that question will be found in the letter itself; more precisely, the letter is the answer. And here it is:

"LAST NIGHT I suffered one of the hazards of being a house owner where the Glastonbury festival takes place.

It is not the music that bothers me, though in previous years we have had to 'enjoy' it non-stop from Friday through to Monday morning. Neither is it the incredible amount of litter that is dropped all over this village and in everyone's gardens; litter gets picked up, I would most definitely prefer it if people didn't urinate in my garden or knock on my door demanding the use of a loo; one has to concede as the consequences of real are more revolting!

What really gets on top of me is the subtle assumption of a large number of people that they have the right to use my property as their own just because they have bought tickets to attend what is laughingly called a festival. The religious significance of this word seems to have escaped most visitors and certainly the organiser, who last year was seen on television encouraging semi-pagan rites being performed on his land.

All this week I have had to put up with

a succession of vehicles entering my drive to park or to turn round, mini-bus loads of people use my drive to unload, leave their debris and depart, usually hurling abuse at me for requesting that they leave. It seems that anyone has the right to enter my garden with impunity. My requests for some privacy are met with derision and abuse. If, as I shall now tell you, I resort in frustration to force it is me who in the eyes of the law is in the wrong.

On Saturday night I went out to dinner, leaving my son who house-sat for me with a friend. They had my telephone number and there are police men at the top of a road, not 200 yards from my house. On returning after midnight I was informed by my son that some people had parked their car in our drive and he had requested, at a safe distance, that they should move. He was told to piss off. This is not an unusual reaction as visitors seem to think my home is their car park by right. A suggestion by my son that the police could be invited around fairly quickly did persuade them to move on. Interestingly enough there is a legal nicety that leaves one powerless to remove other people's cars from your own garden because if you break into the car to push it off your drive you are immediately liable for criminal damage. The person leaving the car, on the other hand, has committed no offence.

Being told of this event by a child already half asleep, I thought it advisable to have a look around outside. What a mistake! On going outside I was nearly crushed by a mini-car driven by some lunatic youth who had decided to race into my drive and race out again, the driver making sure that he came as close to me as he could without actually hitting me. I was preoccupied at this moment, evicting another unwanted vehicle out of my garden, and didn't see the mini coming until it seemed on top of me. I lashed out, wanting to thump their window, which turned out to be open

and I hit the driver. To give you some idea of the speed the mini was going, it took him all of 40 feet before he could stop. Out leaped four large youths and the upshot was that with loud shouts and altercations I was thrown to the ground and punched. The policeman 200 yards away did not help and the youths left with rude signs and further abuse. Dusting myself down and only suffering from a grazed knee, another vehicle decided to come in. It is Picaresque so busy at one o'clock in the morning? This is rural Somerset!

I was in a rage and wanted to punch someone but unfortunately this time the window was shut. My consternation at delivering a blow against a hard surface must have been matched by that of the occupants who were showered in broken glass. I must have impressed, as the four youths who alighted were a little more circumspect than the previous

four. I was getting used to abuse and this time I probably deserved it but I was promised that my eyes would be clawed out and my head torn from my shoulders and various other indignities and postures that were calculated to intimidate me. All happening outside my own front door. The police turned up 15 minutes after my wife called them (not bad from 200 yards). I then retired from the confrontation to deal with a badly cut hand whilst the sergeant in charge told me what choices I had. They are quite simple and stark. I was guilty of criminal damage and it was either pay up for a new window or be arrested. I had no recourse against the occupants of the car for the abuse and terror they offered me. It was pay up or be arrested.

I am not looking forward to next year's festival when no doubt I will get frustrated and cross again."

Well, there it is: a peaceful man, on his own land and in his own home, is driven to violence (mild violence, true, and violence against a thing rather than a person, but violence all the same), while

those who drove him to it not only go scot free, but demand, with an idiotic law on their side, monetary compensation or an appearance in court charged with a crime. It is almost impossible, surely, not to think about the Osborne Elliott murder trial while considering my correspondent's feelings. He broke a piece of glass, with one more twist of rage, would any of you swear on your life that you could neither be facing a case of manslaughter, or being put in your coffin? I wouldn't.

Go back to the beginning of this story: there is a half-concealed clue to the whole business. The sufferer faced people who thought they had a right to use his land in any way they liked. *Meum et tuum* be blowed; the very idea of property is unintelligible to these trespassers. (Witness, for one thing, the abuse hurled at the peaceable householder when he remonstrated.)

We hear a great deal nowadays about the "travellers" and the squallor they live in and strew wherever they go. They babble about the "New Age", but are capable of riot if the man from the benefits office is half an hour late with the lolly. As for the devastation they bring upon the land they ravage, the *Mongol Horde* springs apply to mind.

But here is a strange thing. My suffering correspondent, in a spectacular exhibition of turning the other cheek, insists that his persecutors were not the grimy travellers of whom we hear so much. As he put it, "Most of them would be wearing smart suits on the Monday." These, it seems, are more akin to those thoughtful and restless people who, in the 1930s, travelled as pioneers, throwing off the life of the city, and trekking towards a new horizon. But they did not strew litter wherever they went.

But if these people are the cream of wanderers rather than the dregs, why did they behave so badly to the householder whose story this is? I fear that he has been all too generous, and that there are two brands of traveller in Glastonbury. If that is so, though, there will soon be only one, for Gresham's Law will see it to. Optimists like me hate Gresham, not because he is gloomy, but because he is right. I have a very nasty feeling that, come next Glastonbury, my correspondent may be whistling a more bitter tune. Perhaps he should rattle through a few *teeny boppers'* catalogues to get an idea of the cost of stout steel gates and the best barbed wire money can buy. But not a mallet.

Hours not to reason why

Joanna Pitman assesses Japan's employment model

During 1991, Japan's white-collar workers put in an average of 2,080 working hours, compared to 1,943 in the United States and 1,902 in Britain. Foreign trading partners claimed that Japan's long working hours constitute an unfair "trade impediment", so the Japanese government set itself a target of reducing average working hours to 1,800 a year by March 31, 1992. This has not yet been achieved.

Japan's Stakhanovite work ethic has changed little, and a study conducted for the employment department is reported to suggest that British employers should be wary of imitating Japanese work practices.

Japanese salaried, or white-collar workers, generally manage to work longer than average day, and more days per year than their foreign counterparts, because corporate philosophy teaches that this is an important contribution to the company, and that it is a prerequisite for advancement. On average, salaried workers take only 50 per cent of the holiday to which they are entitled.

Foreign criticism has been partially allayed by the introduction in the late 1980s of a legally-enforced five-day week for financial institutions and some government offices. Ostensibly, the strategy was designed to encourage salaried workers to learn how to relax, but many Japanese feel it may have had more to do with a desire to mollify American trade negotiators.

Some Japanese pay schemes continue to encourage long working hours, particularly in overtime. Workers in large, high-technology and high production firms are typically contracted in long-term (if not life-long) employment, and receive a substantial part of their annual remuneration in the form of two annual cash bonuses, paid in June and December. The bonuses — originally an incentive — have come to be regarded as an entitlement, and are usually between two and four times the worker's basic monthly wage.

The system allows employers to avoid higher basic wages. When profitability falls, bonuses can be squeezed and costs contained, so in theory at least, the policy of avoiding redundancies at any price does not cripple the company.

Corporate Japan's preference for regulating output through overtime rather than through changes in personnel numbers has offered another cushion against redundancies. During times of high economic growth, workloads inevitably increase and overtime pay becomes a substantial part of a worker's income. Conversely, during economic slowdown, workloads decrease, overtime is cut back and net incomes shrink. Such a system would, of course, be impossible without the compliance of a willing workforce. That willingness appears in some cases to have been taken to extremes during the economic boom of the "bubble era", the mid 1980s when the yen appreciated against the dollar and forced export orientated companies to redouble their efforts just to survive. Many companies forced enormous quantities of overtime work on employees, partly to offset the effects of a newly instituted two-day weekend, and partly to avoid setting a precedent by hiring new personnel.

In a few isolated and highly publicised cases, tragedy ensued. Between 1985 and 1990, dozens of white collar workers collapsed and died while working. Investigations of their working habits indicate that many died from symptoms triggered by overwork, although in subsequent court cases the claim that the deaths were related to the Japanese phenomenon of "karoshi" (deaths from overwork) were dismissed.

Japan's economic slowdown, which began in 1990, coincided with an increase in foreign pressure to reduce working hours. The lower levels of business have given the impression to the outside world that labour conditions are being loosened. Many predict, however, that when the economy picks up, as it is expected to do later this year, working hours will rise again.

Long-term jobless

NEIL KINNOCK must be hoping that by the time the flatterer documentary series about him by London Weekend Television comes to an end, a job offer will have landed on his doormat. For exactly one year after standing down as Labour leader, Kinnock looks little closer to landing the sort of job that will secure him the elder statesman's status to which he aspires.

After standing down, he was widely expected to carve a European future for himself as an EC commissioner. But 12 months on, Kinnock regards such speculation as "yesterday's news". So what are the alternatives for a vigorous Welshman of 51? He enjoys broadcasting, having particularly relished his stint standing in on the Jimmy Young Show on BBC Radio 2; but apparently he does not regard this as a serious proposition, and try as he might he has yet to find a suitably dignified offer.

A peerage apparently cannot be ruled out, but he needs

something else first. "He is not interested in a seat in the Lords until he is at least 64," says one of his inner circle. "He believes he has plenty to offer before he goes upstairs." This vacuum leaves plenty of time for traditional occupations of former leaders, such as writing memoirs, and for less traditional pursuits such as supporting his wife in her quest to become a Euro-MP. But Kinnock has not given up hope of following Glens into Europe. "He is watching and waiting and hoping something crops up," says the associate. "He would hate to be a Ted Heath skulking on the backbenches long past his sell-by-date."

Kinnock appears to have lost none of his appetite for publicity. Next week *"Kinnock: The Commercial"*, as it has been dubbed by friends, will be extended to a wider audience. He is hiring a room at the Commons for a private showing of his in-flight news programme for British Airways, which is being broadcast

on all incoming flights in July. Afterwards, if time permits, he and Glens will come round with the duty-free trolley.

Himself accused

WHAT is it about Brian Sewell, art critic for the *London Evening Standard*? Sewell is being accused of banning women from a Channel 4 programme, *J'Accuse*, which he is currently recording.

Sewell admits that contributions from both Sarah Kent, *Time Out's* art critic, and *The Times's* art market correspondent Sarah-Jane Checkland were cancelled. Checkland didn't even get to the studio.



DIARY

Sewell, who will use the programme to debunk Leonardo da Vinci, says his decision has nothing to do with sexism. "The contribution of the women was banal, stupid, in error and ignorant. I did not want my argument supported by weak weeds. I admit I am neither liberal nor broad-minded, but the decision had nothing to do with them being women."

The matter is unlikely to be left to it, Natalie Wheen, a presenter on the Radio 4 arts programme *Kaleidoscope*, was also asked to appear, but was told before her opinion could be filmed that Sewell wanted no women. "I have been sidelined. It seems he cannot cope with my opinion. If he cannot have women on his programme it makes me question his open-mindedness as a critic."

Lower second

AS THE Department of National Heritage puts the screws on the arts, Oxford dons are watching a former pupil with keen interest. Iain Sproat (Magdalen, 1958-62) is now the junior heritage minister.

With the possible axing of ten regional theatres, no one is more alarmed than Alan Bennett, who encountered Sproat at close quarters in the early 1960s, while Bennett was a junior lecturer in modern history at the college. Sproat's very name sends the playwright into nervous paroxysms. "I hope you are not going to ask me about Iain Sproat," he splutters. "I'm afraid I'm not going to say anything." His agent, however, is not so coy: "I should think he's rather disappointed in Sproat."

Feelings run deep, although academic reserve prevents them being voiced in full. Dr John Stoye, a former tutor in modern history, taught Sproat for his first year, before the fledgling politician changed to English. He says: "He had a reputation for being a lively and vigorous man; popular with some people and not with others."

One former modern history professor, who knew Sproat, says: "I'm not surprised he changed to English — it's less work than history. Unless he has radically changed, I am dismayed that he is in charge of arts funding in this country."

The sudden populace of Llandudno is well aware of the suffering in flooded areas of the *Mississippi*. So much so that the *Burien Jones*, the mayor of Aberconway, has dispatched a message of sympathy from the town. "We sent it to the US embassy in London because we didn't know where else to send it," says a council spokesman. "There's more flooding there, I know. But it was very wet here just the same so we've got a pretty good idea of what they're up against."



Those angels will be relieved

Last week he was in the depths of despair. Yesterday, however, Larry Gelbart was a changed man, delighted by the turn around in fortunes of *City of Angels*, the show he wrote which has just been revived from closure in London's West End. His good humour is in part due to reports of up to £400,000 worth of forward booking for the show. But much of it was down to his surroundings — for he was celebrating his success with his wife Pat at the very smart Chewton Glen hotel in Hampshire where rooms cost up to £400 a night.

"Yep, we're about to crack some champagne," says an elated Gelbart. "Although it's less a high than an incredible sense of relief." In such convivial surroundings, the man whose successes include *M.A.S.H.* and *Tootsie* even had kind words for Sir Andrew Lloyd Webber, who criticised the show in *Radio Times* before the closure was announced. "Once he heard it was closing, he was terribly kind. I hope he has fallen on his own petard."



A NECESSARY HIATUS

Japan's debate on political reform is only just beginning

Political uncertainty in Tokyo might be thought to be as welcome to the rest of the world as a harvest frost. Although Japan has been long reluctant to fashion an international profile to match the power of its economy, its decisions count. To take only the most obvious example, a Japanese government too weak to take unpopular decisions could doom the Uruguay round of trade negotiations to ultimate failure.

Yet precisely for these reasons, Japan can no longer endure weak governments manipulated by powerful industrialists and a formidable bureaucracy, strutting on a political stage remote from their voters' real interests. If Japan is to be a source of stability in Asia, and prosperity in the world, there is a pressing need for Japan to modernise its opaque and corrupt political machinery in favour of properly accountable and representative government. After years of political stagnation, flux is healthy.

The most frustrating aspect of Sunday's parliamentary election is that this process may be long drawn out. Factional manoeuvring, the old vice of the ruling Liberal Democratic party, will intensify meantime, and spread across the political spectrum. The reformers in Japan's new breakaway parties have cracked the LDP's golden ricebowl, but without really shifting the centre of gravity in Japanese politics.

The LDP has lost the monopoly on power it held for 38 years and is now short of an absolute majority even if so-called independents such as the former prime minister, Noboru Takeshita, are included. But the electoral comeback of Mr Takeshita, who was forced from office in 1989 over his involvement in a corruption scandal, testifies to the strength of the LDP machine and the resilience of the semi-feudal relations between politicians and voters which are the LDP's lifeblood. Turnout was high in the rural areas, where patronage is the key to voter loyalty, and low in the cities, where

anger over political corruption is far greater and the Japan's recession bites hardest.

This leaves the LDP strong enough to try to form a minority government, relying on its conservative opponents for support on individual items of legislation. That would be a recipe for continual horse-trading; but so would be any coalition between the opposition parties. To achieve a majority they would have to include Japan's discredited socialist party, which was trounced at the polls partly as punishment for clinging to such outworn creeds as support for North Korea, but partly because voters now have new conservative parties through which to register protest votes against the LDP.

These new parties, notably the Japan New Party and the Renewal party formed last month by 36 LDP MPs in disgust at the Miyazawa government's failure to honour its pledge of political reform, will hold the balance of power. They will have nearly a fifth of the total seats; if they use that power to insist on political reforms, this election could merely be the curtain-raiser for a new round under changed electoral laws. Already, party affiliations are becoming a poor guide to Japanese politics. The real division, between modernisers and traditionalists, is emerging in industry and the bureaucracy as well as politics. Within the Diet, it cuts across each party. There are many younger LDP MPs in the modernisers' camp. They could join forces with the new parties to insist on real political reforms.

Japan's revolution will follow rituals as elaborate as those of a Noh drama and may be as hard for outsiders to understand. Progress will be much slower than it has been in Italy, whose postwar politics Japan's may increasingly appear to resemble. But the old guard's shouts of *Banzai* — literally translated as "10,000 years" — should not be taken too literally. These elections were forced over the single issue of political reform — a turning point for Japan in itself.

FREEDOM FROM CANT

Labour's social justice commission is on target

The Commission on Social Justice, which delivered its first two papers yesterday, bears a heavy burden of responsibility. By next September, it must provide Labour with an outline for a new social policy which will both satisfy the party's traditional constituency and sufficiently shift Labour's ground on key issues of tax, wealth, redistribution and state intervention to avert a fifth successive general election defeat.

Half a century after William Beveridge's *Social Insurance and Allied Services*, the first findings of Sir Gordon Borrie's commission are an encouraging first step. In its statements of general principle, the 16-member panel has managed to ditch much of the ideological baggage which has hampered Labour since 1979. While the commission sees the reduction of unemployment as essential, it questions the "right to work" and faith in command economies. It is open-minded about the involvement of the private sector in the provision of public services. It acknowledges that any definition of social justice must include reasonable limitations on tax.

Drawing upon the work of right-wing theorists such as Robert Nozick as well as John Rawls and more traditional philosophers of the left, the commission stresses responsibilities as much as entitlements: the duties of fathers, for instance, are given as much weight as the rights of the single mothers. The aspirations of those who bought their council houses are respected as much as the needs of the homeless.

Above all, the commission rejects the aggressive egalitarianism of Labour's past and asserts that not all inequalities are wrong. Its blueprint is based on the

relationship between individual and society rather than the relationship between classes. These statements of principle present a decisive break with class-bound Labour politics and even with moderate Fabianism.

Giving substance to these ideas in public over the next year will be much harder. It was an ill augury that Mr Smith pre-empted the commission by declaring his own belief in universal benefits at its launch. The commission's interest in a unified taxation and benefits system will lead it into a technical quagmire which has swallowed many experts. Reducing unemployment would indeed cut the welfare bill but is a long-term strategy dependent upon the growth of the economy. The commissioners rightly emphasise the need for a more strategic approach to further education and training but that too will be a slow game.

The panel also appears far too sanguine about the soaring cost of pensions, invalidity benefits and other welfare entitlements. If it is to trump the government's own spending review, the Borrie Commission must not allow its final report to be caricatured as a spender's charter. Targeting and privatisation of benefits must be high on its agenda.

The commission, which has been largely silent since it was set up by John Smith last December, must now enter the bull-ring of Labour politics. The modernising wing of the party will embrace its approach as it has embraced the principle of "one man one vote" and (in some cases) the abolition of Clause 4. Yet there is no guarantee that the commission's updated concept of social justice will persuade Labour's rank and file, many of whom will regard its premises as an outright betrayal of socialism.

SAVOY FROM THE ASHES

Excerpted from *The Princess and the Chess Players*

Scene: a theatre in the Strand, London, last night, glittering under an Art Deco carapace of gold and silver aluminium leaf. The audience does its best to glitter also, and the Princess of Wales manages it naturally. Enter dancers of the English National Ballet pirouetting and bounding cheerfully to some familiar old tunes. They sing: *Chorus: Lightly prancing, nimbly dancing, We declare this life enhancing. For our gala summer season, We have taken out a lease on Savoy Theatre redivivus. After fire had made it leave us, Now restored to former glory It resumes Savoyard story. Highland flinging, simultaneous singing, That must be why your ears are ringing. A solo dancer. My name is Wayne Sleep. Wayne Sleep, Wayne Sleep, Mini-maestro of twirling and leap. A pet of princesses, who never distresses, By dancing an audience to sleep. I've choreographed The Savoy Suite Commissioned for ENB feet Of Gilbert and Sullivan, tinkle and jolly one. Turning old tunes into a new treat. Chorus: First with electricity, Theatre of comic operatic felicity, Night out for old gents from the City. Home stage for the pretty and witty. Solo: But you must not think this patter And inconsequential chatter, With continual plonking rhymes, Is all that is intended.*

Now the old Savoy is mended, For it's moving with *The Times*. *Chorus: When all year long a theatre stays With nothing on its bill but comic opera. And safely middle-browish plays. Of course it can remain extremely popular. Solo: But the Savoy for its next excess Is cunningly going to impress. For Kasparov and Short, In a battle that's fraught, Meet here for the world tourney of chess. Chorus: Fiercely mating, nearly hating, This will be Titanic meeting. Intellectual, but effectual Drama for punters in the seating. Solo: Zugzwang, castle and king's gambit Chess is quite outside the ambit Of the usual Gilbertian theme. There must be fascination frantic In a game that is so antic, And celebration's keenest dream, George Bernard Shaw, pontificating, mercifully neither singing nor dancing: Chess is a foolish expedient for making idle people believe they are doing something very clever, when they are only wasting their time.*

Chorus: Not at all, sir, you appal, sir, You only sneer to annoy; Wait and see, sir, it will be, sir, A nail-biting drama and joy. Lewis Carroll based his best book on chess. If they'd thought of it Gilbert and S. Would Shawily have done no less; And played it, of course, at the Savoy.

Court challenge on Maastricht

From Mr Aubrey Ross

Sir, I profoundly sympathise with Lord Rees-Mogg's rearguard action in the courts to render the Maastricht bill *ultra vires* ("Why I challenged Maastricht in law", July 19) but I cannot agree with it.

When first Mr Heath and then Mrs Thatcher signed successive bills abdicating British sovereignty, those with a sense of history knew precisely what was going on, despite the bravado. We were embarking on a great new adventure, and participating in something greater than ourselves or in a union that was merely economic.

It is now too late for actions such as Rees-Mogg's. Our elders, our wise men in grey suits and in cravats soaked as they are in English and British tradition, believe that the sceptre has departed from the British Isles, as in the case of the first and second Jewish temples in Jerusalem, when they were made subject to Athens and Rome. They believe it would require an impossible heave to restore our sovereignty. Curiously enough Jews throughout the world will fast on July 27 for the destruction of the first and second temples, although many of them see the rebirth of the state of Israel as an admirable material consolation.

Speaking as a Jew (but it could well be as a Greek or Roman lamenting the fall of empire), I have no doubt that British greatness will assert itself in Europe in ways as yet unforeseen, although the setting of our Renaissance will be different from that which we enjoyed in India. But Rees-Mogg's action is not the way to achieve this. There is nothing more dismal than the fight for a lost cause.

Yours sincerely,
AUBREY ROSS,
8 West Avenue, Hendon, NW4.
July 19.

From Lord Buxton

Sir, The vote in the House of Lords against a referendum may well have been massive (what else could one expect from a whip of all the parties), but it could turn out to be the last on such a scale.

If Maastricht is ratified, does anyone seriously believe that the unelected army of bureaucrats in Brussels will stand for their directives being subject to amendment, by a revising chamber in only one member state? The "block votes" on July 14 will certainly have put them on the alert.

So the real point is that once the EC machine swings into top gear, there will not be much for the Upper House to do. Discussions about reform become irrelevant, because the peers will in the end have become redundant. Maastricht may prove to be abolition by the back door.

The nation's trust in the Lords as the citizen's friend and the constitutional long-stop, (terms derided by professional politicians in the debate) has been let down. It would be naive to expect the taxpayer to accept the costs if it transpires that the House has no critical function. The peers might have signed their own death warrant.

I am, Sir, yours faithfully,
AUBREY BUXTON,
Old Hall Farm, Stiffkey, Norfolk.
July 18.

From Mr Richard Gordon

Sir, Lord Rees-Mogg describes his judicial review challenge to Maastricht as being to prevent ratification of the treaty.

The case is, undoubtedly, of major constitutional importance. From the viewpoint of administrative law it is no less significant. Two competing arguments are likely to vie for supremacy: only one can win.

The well known principle established in *Attorney-General v. De Keyser's Royal Hotel* [1920] AC 508 is that where statute overlaps or contradicts the royal prerogative of treaty-making goes into abeyance. In contrast, and although the prerogative is itself susceptible to judicial review, the House of Lords has doubted whether the treaty-making power is reviewable (see, e.g., Lord Roskill's speech in *C.C.S.U. v. Minister for the Civil Service* [1985] AC 374 at p.418) because its nature and subject matter are not amenable to the judicial process.

If treaty-making is immune from judicial review the contention that Maastricht offends against the European Communities Act 1972 may, yet, fall upon a jurisdictional rock. The logic of *De Keyser*, though, suggests that the impasse could be resolved by holding that there simply is no prerogative power to conclude a treaty which, *ex hypothesi*, is incompatible with fundamental obligations of Community law enshrined in statute.

It will be interesting to see whether the courts are tempted by this escape route.

Yours faithfully,
RICHARD GORDON,
39 Essex Street, WC2.

From Colonel J. H. McGuinness

Sir, If Lord Rees-Mogg succeeds in delivering us from Maastricht he will assuredly deserve a statue in Parliament Square, erected, like that of Sir Charles Napier in Trafalgar Square, "by public subscription" from a grateful nation.

Yours faithfully,
JAMES MCGUINNESS,
Pen-y-Bont Fach,
Cwmwyd, Corwen, Clwyd.

Homosexuals and a tolerant society

From Professor Thomas Lehner

Sir, I find homosexuality probably as alien to my heterosexual nature as Lord Jakobovits (letter, July 17), yet I have an innate (or genetic) affinity for the ninth Commandment. This prohibits misrepresentation or defamation of an individual or a group, and presumably does not exclude men who prefer the company of their own sex.

A report, by Dr Dean Hamer, of the American National Institute of Health, suggests that there may be a genetic basis for homosexuality and that certain individuals are at risk of developing homosexuality (details, July 17).

To invoke the sixth, seventh and eighth Commandments and suggest that if murder, adultery or stealing were to have a genetic basis, society might be inclined to accept it is a false analogy.

Homosexuality is a relationship between consenting adults, and any harm or sin that may come from such a relationship is appreciated by the practising individuals. Murder or stealing, however, is self-evidently not a practice acceptable to the victim.

Indeed, a genetic trait in anti-social behaviour was found more than two decades ago in individuals with an extra Y (male) chromosome (XYY), and I do not recollect public pressure being exerted to accept anti-social behaviour as "natural", despite the initial over-interpretation of the association between XYY-positive individuals and criminal behaviour.

Tolerance should be the gold standard, not least among ecclesiastical authorities, after our experience only 50 years ago in Germany, ostensibly a civilised country, in which homosexuals were incarcerated and perished in concentration camps. The "moral chaos" referred to by Lord Jakobovits may have been precipitated by the intolerance of a minority, identified by a lifestyle not condoned by the majority.

There is an urgent need to study, preach and practise tolerance, not least by religious authorities, with all the fervour that is devoted to the Ten Commandments.

Yours etc,
THOMAS LEHNER,
Division of Immunology,
United Medical & Dental Schools
of Guy's & St Thomas' Hospitals,
Guy's Tower, SE1,
July 19.

Childbirth choice

From Dr R. J. Coward

Sir, Dr Anna-Maria Rollin (letter, July 6) implies that there may be a choice between high-technology delivery in a specialist unit and natural labour supervised by a GP/midwife team.

Sadly the opportunity for uncomplicated cases to remain in the hands of the family doctor and midwife is being hampered by lack of confidence and experience.

Training of GPs involves a six-month block of obstetrics as "first on call" for problem deliveries in hospital. This frightening introduction leaves a generation of young family doctors without skills, experience or enthusiasm to support midwife colleagues in management of low-risk mothers in labour at home or in GP maternity units.

At a time when GPs are offering more community services than ever before, we are losing the ability to offer choice in childbirth, not because of "political correctness", but by loss of skills.

Yours faithfully,
RICHARD COWARD,
117 Albert Road, Epsom, Surrey.
July 6.

Royal bones

From Dr Jonathan H. Musgrave and Dr Ellen E. Rice

Sir, Your leader-writer of July 10 on the DNA analysis of the bones of the Tsar and his family was wrong in stating that there are no corporeal remains of Philip II of Macedonia. We have both been privileged to examine human remains from royal tombs at Vergina, and can assure you that the nearly complete skeleton in the gold casket from the main chamber of Tomb II almost certainly belonged to him.

Alas, there seems little chance of recovering any DNA from his calcined bones for the simple reason that his body had been cremated.

Yours faithfully,
JONATHAN H. MUSGRAVE
(University of Bristol),
ELLEN E. RICE,
Wolfson College, Oxford.
July 12.

Punching back

From Mr Michael Jermy

Sir, Mr Terence Feely (letter, July 15) states that ITN "was beaten to the punch on the missile attack on Baghdad by both CNN and Sky News". Quite the reverse. In fact, ITN's Middle East correspondent, Robert Moore, was the only TV network correspondent in Iraq during the attack. His exclusive reports were run not just by ITN and IRN but also by CNN and other American and European television stations.

That is perhaps why, as Mr Feely

From Rabbi Dr Sidney Brichio and others

Sir, It might have been expected that the new evidence pointing to a genetic factor predisposing some men towards homosexuality "would result in more protection and less vilification" (leading article, July 17). Much to our chagrin Lord Jakobovits's letter demonstrates the opposite. We emphatically reject his spirit. His reference to kleptomania, adultery and murder in the same context as homosexuality is as abhorrent to us as it must surely be to most of your readers.

For many reasons we recommend a heterosexual family life to all who are capable of it. But for equally profound reasons we deplore and condemn any tendency to make homosexuals into the pariahs of society.

Lord Jakobovits sees in the tolerance of homosexuality an "attempt to erode our transcendent moral values". It is the lack of such tolerance that is morally reprehensible. Our duty is to understand and respect human diversity, so that we may live in love and peace.

Faithfully yours,
SIDNEY BRICHIO
(Senior Vice-President, Union of Liberal & Progressive Synagogues),
STEPHEN HOWARD
(Chairman, Rabbinic Conference),
CHARLES H. MIDDLEBURGH
(Vice-Chairman, Rabbinic Conference),
JOHN D. RAYNER
(Minister Emeritus, Liberal Jewish Synagogue),
The Montague Centre,
12-14 Clapstone Street, W1.

From Sir Ian McKellen

Sir, What is it about Lord Jakobovits that he should compare homosexuality to kleptomania, adultery and murder? Whence his belief that homosexuality is an affliction to be overcome?

As a pink triangle to a yellow star, I urge Lord Jakobovits to re-examine biblical injunctions in the light of modern translations and scholarship. Otherwise, it is he, not the likes of me, who erodes our transcendent moral values, by encouraging discrimination against a misunderstood minority.

Yours faithfully,
IAN MCKELLEN,
c/o The Royal National Theatre, SE1.

From Dr Angharad Davies

Sir, It was refreshing to read Mary Ann Sieghart ("The worst pain I can imagine", July 1) expressing distress and disbelief at the severity of pain experienced during her second labour.

The natural childbirth movement has successfully propagated the belief that labour is simply physiological and that childbirth can only be experienced fully if there is total lack of all modern methods of pain relief. This is only true if the woman is fit, tough, her labour short, and her delivery normal.

Doctors have made all efforts possible, particularly during the past 20 years, to make the experience of labour as safe, pain-free and reassuring as possible. When more women see through the natural childbirth lobby, perhaps they will turn to their obstetricians with greater trust.

Mary Ann Sieghart is correct in her assertion that the joys of motherhood cannot be experienced when the horrors of pain are paramount.

Yours sincerely,
ANGHARAD DAVIES
(Consultant gynaecologist and obstetrician),
Benenden Hospital,
Benenden, Cranbrook, Kent.

Better armed

From Mr Magnus Guild

Sir, Captain Hugh Leach (letter, July 6) speaks of using a captured Lee Metford combat rifle in "one of those Arabian campaigns in the early 1960s". I presume that he used the then, no doubt, still abundant .303 ammunition.

The original Lee Enfield was a modification of the Lee Metford, having five grooves in the barrel instead of seven, a slightly different foresight, and lacking the groove in the stock just forward of the box magazine so apparent in the Lee Metford.

Captain Leach was presumably referring to the SMLE (short magazine Lee Enfield) which is a good five inches shorter.

Yours faithfully,
MAGNUS GUILD,
53 Grange Road, Edinburgh 9.
July 7.

observes, much has been made of News at Ten's ability to provide "the latest and freshest news".

On the night of the attack, even the BBC World Service relied on an interview with ITN's Angela Frier for first-hand reports from Baghdad.

Yours faithfully,
MICHAEL JERMEY
(Head of Foreign News Input), ITV,
200 Gray's Inn Road, WCI.

Letters should carry a daytime telephone number. They may be faxed to 071-782 5046.

Concern over right to smack a child

From the Director of the National Childminding Association and others

Sir, We are dismayed at the decision of Sutton Magistrates' Court to uphold the appeal by a childminder who sought the right to smack the child in her care (report, July 9).

In reaching their decision, the magistrates appear to have given considerable weight to the unfettered right of a parent to delegate responsibility for the care of their child to another person.

This view runs counter to the established legal principle that the care of young children is not a private matter to be determined by parents and carer alone. The Children Act 1989 confirmed this principle, requiring local authorities to secure at least minimum standards of care for all children not in their parents' immediate care. Government policy — a policy shared by all major child-care organisations — is that physical punishment has no place in these arrangements.

The Sutton judgment not only places that important policy in doubt, but also the whole status of departmental guidance. We hope that the Sutton case will be taken to a higher court. If not, then it is vital that the ban on corporal punishment and many other safeguards protecting children currently contained in government circulars are translated into enforceable regulations.

We wish to put on record our firm conviction that the care of our most vulnerable citizens continues to be protected by a clear and consistent regulatory framework.

Yours faithfully,
GILL HAYNES, Director,
National Childminding Association,
MARGARET LOCHRIE
(Chief Executive Officer,
Pre-School Playgroups Association),
JOHN REA PRICE (Director,
National Children's Bureau),
CHRISTOPHER BROWN
(Director, NSPCC),
JAN BURNELL
(Director, National Council for Voluntary Child Care Organisations),
National Childminding Association,
8 Masons Hill, Bromley, Kent.

Chinese puzzle

From Mr H. P. Hall

Sir, China covers nearly four million square miles, with a population of nearly 1,200 million living in 26 provinces and four autonomous regions with many different dialects and around 55 different ethnic groups.

The Cultural Revolution of 1967-8 almost led to the break-up of the republic. With the failure of communist control in the old USSR and in eastern Europe, can anyone forecast what may happen in China in the next few years?

If China fragments, as did the USSR, will the Sino-British Joint Declaration on Hong Kong of 1984 still apply or could Hong Kong become one of the new post-communist sovereign "states"?

Is anyone undertaking contingency planning to deal with this possibility or is the People's Republic regarded as immortal?

Yours faithfully,
H. P. HALL,
Robina, The Chase,
Ringwood, Hampshire.

Naval dockyards

From Mr Reay Atkinson

Sir, The latest round of defence cuts (reports, July 5, 6; letters, July 15) must initiate re-examination of the decision recently taken on the future of the Devonport and Rosyth dockyards. There can be little doubt that, strictly in terms of the Royal Navy's operational requirements, one dockyard could cater effectively for the requirements of both the surface fleet and the Trident submarines, and that dispensing with the redundant facilities would release millions of pounds to support ships and sailors.

In a period of massive retrenchment the emphasis must regrettably be on sustaining the sharp end of our defence capability, rather than on maintaining jobs that are not absolutely essential in one of the dockyards in order to bolster the fortunes of the Conservative party in the south-west of England and Scotland.

Yours faithfully,
REAY ATKINSON,
High Dryburn, Garrigill,
Nr Alston, Cumbria.

Relics preserved

From Mrs P. J. Mansergh

Sir, Libby Purves ("Make no bones about liking relics", July 12) may like to know that Methodists also preserve and display a stout nineteenth-century boot, once worn by the co-founder of Primitive Methodism, Hugh Bourne. Like the bones of St Cuthbert, this relic has had many homes over the years but has finally come to rest in the Primitive Methodist Museum at Englesea Brook, near Crewe, of which I am the honorary curator.

Yours sincerely,
JANE MANSENGH,
Coach Cottage, Bishopdale Court,
Settle, North Yorkshire.

ys perfect.



SMALL BUSINESS 28

Teapot enterprise spouts potential around the world



ARTS 33-35

Aboriginal art: tradition renewing itself



SPORT 36-40

Ian Botham leaves cricket's first-class stage

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THE TIMES

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TUESDAY JULY 20 1993

BUSINESS EDITOR
Robert Ballantyne

BUSINESS
TODAY

SALES TONIC



High street sales are rising at their fastest rate for more than three years as shoppers hunt early summer bargains, says the CBI.
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OIL FEAR

Opec called an emergency meeting when oil prices plunged to a three-year low, with traders fearing a glut.
Page 22

MEDEVA DIVES



The fast growth of the drug-maker Medeva came to a halt with a profit warning that stunned the City and its shares plunged.
Page 23

QUICK MOVER

RTZ has been quick to sell unwanted assets arising from the \$1.2 billion Nercio acquisition last month, with two deals worth \$50 million.
Page 23

THE POUND

US \$ 1.4997 (+0.0222)
German mark 2.5580 (+0.0041)
Exchange index 81.3 (+0.5)
Bank of England official close (4pm)

STOCK MARKET

FT-SE 100 2942.9 (+8.9)
Dow Jones 8229.59 (+1.40)
Nikkei Avg 20150.32 (+180.61)

INTEREST RATES

London Bank Base 6%
3-month interbank 6 1/8%
US Federal Funds 3 1/4%
3-month Treas Bill 3.08-3.09%
Long Bond 8.59%

CURRENCIES

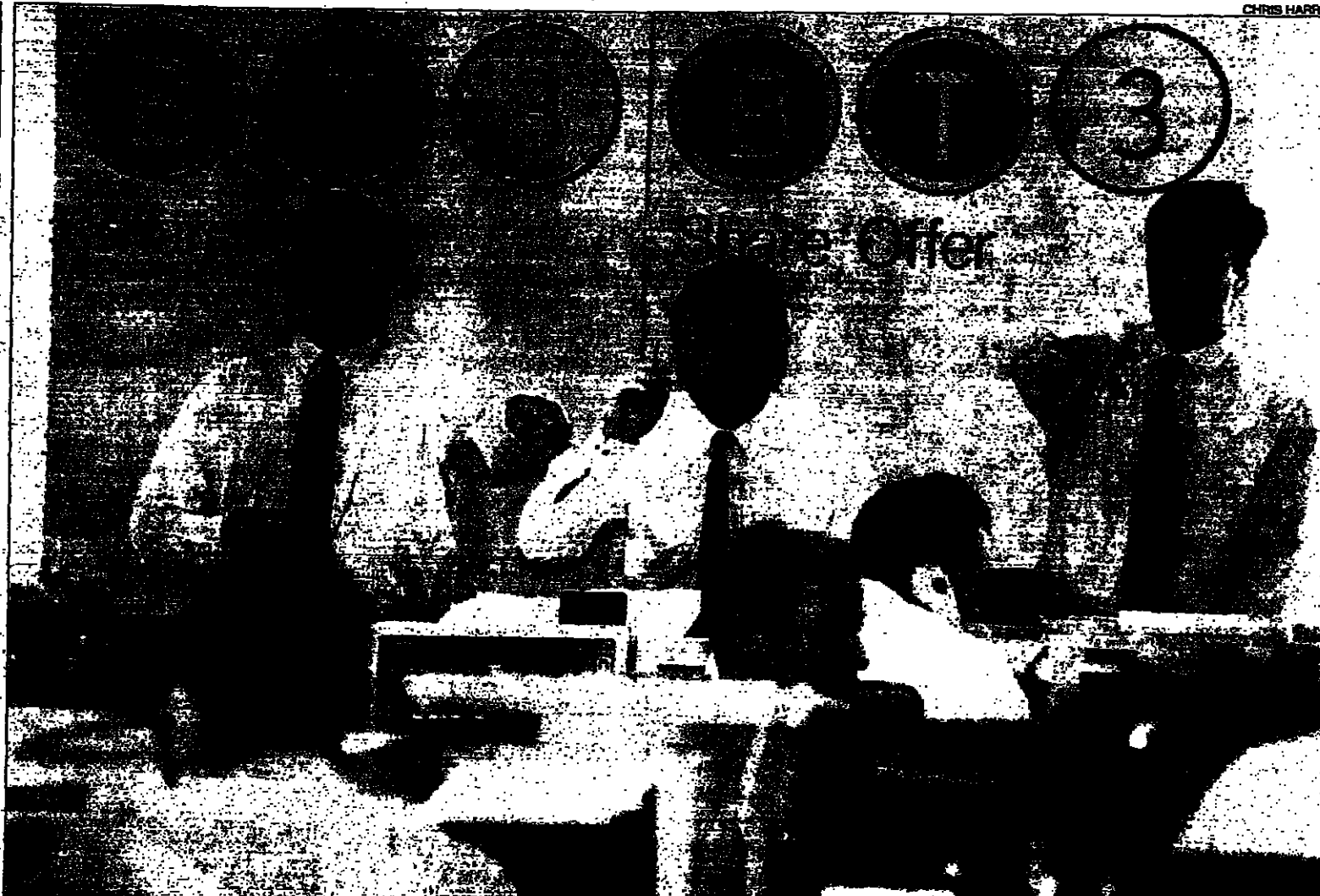
New York: London £1.4995 £1.4990
\$DM 1.7059 \$DM 2.5588
\$Swf 1.4985 \$Swf 2.2460
\$Fr 5.8105 \$Fr 8.7170
\$Yen 108.45 \$Yen 162.50
ESDR 1.0703 ECU 1.3085
London Foreign market close

GOLD

London Fixing (5):
AM 392.80 PM 394.80
Close 394.80-395.10
New York
Comex 395.15-395.65

RETAIL PRICES

RPI 141.0 June (1.2%)
* Denotes midday trading price



Going like clockwork: the shares were trading at a small premium, the price was exactly where the Treasury and its advisers wanted it to be

Sterling strengthens as Clarke hails recovery

By JANET BUSH
ECONOMICS
CORRESPONDENT

KENNETH Clarke, the Chancellor, said five months of improved economic statistics pointed to a sustained recovery in Britain. Sterling's recent strength was appropriate to the state of the economy.

His remarks in Frankfurt, where he met Hans Tietmeyer, deputy president of the Bundesbank, added to optimism about recovery after a string of positive economic figures last week and disarray in the exchange-rate mechanism. They helped the pound to make further gains. Sterling

■ The pound rose on the foreign exchange markets after Kenneth Clarke, the Chancellor, said that Britain would not follow further cuts in German interest rates

closed at 81.3 on its trade-weighted index, compared with 80.8 on Friday. It gained more than two cents against the dollar, which closed at 1.4997 to the pound in London, and edged higher against the mark, closing at DM2.5580, compared with DM2.5539 on Friday.

Mr Clarke said any cut in official German rates would not automatically be followed by a cut in UK base rates.

Further against the mark. "The Chancellor's remarks reminded the markets that the Treasury is not worried about sterling's recent appreciation."

Brian Martin, currency economist with Citibank, said: "His remarks showed that the Chancellor is not too concerned with sterling's level at the moment and that it could rise further without triggering base rate cuts."

Philip Tyson, European economist with Yamaichi International Europe, said: "Sterling is benefiting from a follow-through bout of optimism after last week's figures and growing expectations of lower interest rates in Europe which should push it up

Opening trade gives everyone a slice of the BT3 cake

By JON ASHWORTH

MORE than 1 billion new BT shares poured into life yesterday morning with a minimum of hand-flapping and an abundance of cool, calm instruction from dealers at 1 Finsbury Avenue, EC2, nerve centre of the latest issue. The start of trading, when it came, was more like the smooth, electronic whirring of a digital telephone exchange than the manic, fist-flying swirl of an Eighties dealing room.

Private investors, who paid 150p for the partly paid shares, saw them open at 166 1/2p and rise to 174p before closing at 168p, much as the City had expected. The sale of the third and final tranche of BT shares was designed to raise £5 billion for the Treasury, and it went ahead with a minimum of fuss.

To the journalists and film crews who arrived at SG Warburg Securities from 7am to capture the historic moment, the lack of activity was mildly disturbing. To the government and its advisers, the murmur of countless voices quietly preparing orders could not have been sweeter.

Stephen Dorrell, financial secretary to the Treasury, lurked in a corner with Lord Cairns, chief executive of SG Warburg Securities, nodding to one another like a couple of wise old owls. Steve Robson, the Treasury deputy secretary, hopped back and forth near a dealing screen like an excited budgeter. Cliff Wallis, UK equities director, strutted among the desks like a rooster surveying his brood.

Mr Dorrell and his companions had been breakfasting in some style on the seventh floor. Over the weekend, Warburg's caterers produced nearly 1,000 meals in a military-style exercise. Bankers from all over the world gathered on Sunday to learn their allocations and dine on roast beef and Yorkshire pudding.

As the minutes ticked by, the rustle of newspapers gave way to a gentle murmur as brokers casually eyed their screens. Three market makers in

shirtsleeves took up position under a placard bearing the magical BT3 symbol. The international part of the offer had been six times oversubscribed and the market was braced for pandemonium. On Wall Street, five hours behind London, dealers were at their desks overnight to catch the first trades.

At 7.30am, the screens went live and everyone strained to look. A premium! No bells rang. No ticker-tape flew. Market-makers began quoting spreads and sizes. Half a million at seven. Sixty seven and a half bid. Television cameras trained on Mr Dorrell. Everyone was very pleased, he crooned. The shares were trading at a small premium; the price was exactly where he wanted it to be.

Ten minutes after dealing began, 9.4 million BT3 shares had changed hands and the spread had crept up to 168-9p. By 8.10am, Seaq screens were flashing 171-3p and volume was up to 17 million shares. The money men were grinning from ear to ear. "It's gone



"Made nearly enough to pay the phone bill"

better than we ever could have expected," a spokesman said. The morning had its light moments. Sir Anthony Richardson, head of European sales, had pledged to eat his hat if the demand for BT3 shares from Europe exceeded £500 million. It was double that, and Peter Wilson-Siwell, chairman of SG Warburg Securities, wheeled out an enormous cake shaped like a pink top-hat to help him honour his word. It was the perfect finale to three BT sales. Everyone had a slice.

Final leap, page 25
Letters, page 25

Markus joins The Times

MELVYN Markus is to join The Times as City Editor from September.

Markus, 49, has had a long and distinguished career in national newspapers, working for the Sunday Telegraph throughout the seventies, and for a decade heading the business section of the Observer, until its recent takeover.

The move follows the appointment earlier this month of Robert Ballantyne as Business Editor of The Times.

A slight divergence over Maastricht policy

Maastricht now faces legal challenges in the German as well as the British courts, and it is not only in this country that some of the treaty's nominal supporters must be praying silently for deliverance. Most governments have enough trouble with domestic problems without having to impose burdensome policies in its name, and there is little popular enthusiasm left for it.

This is hardly surprising. Much of the treaty is incomprehensible. Michel Comdeus, French chairman of the IMF, complains that it reads as if it had been drafted by his own staff in one of their fits of deliberate obscurity. Some of what can be understood is nonsense: the final dates for the dawn of virtue, and the convergence criteria which define that virtue. Meanwhile, ministers and officials offer their own, often irreconcilable criteria.

In the Blue corner, Kenneth Clarke. He says that if the British

economy is not strong enough to float into fiscal balance, he will raise taxes. In the Red corner, Theo Waigel. He says that if the German economy weakens further, he will cut taxes. In one neutral corner, Sir Samuel Goldman, most courteous of old-time Treasury knights, who wrote to this newspaper last week to remind us of the old Great George Street rule: monetary and fiscal policy must always work together. And in another, our own Governor, who told the Treasury Committee that the judge and jury on policy was the bond market.

So what shall we do to be saved? The Clarke line looks very Maastricht, with its stress on the government deficit, and might please the Governor and the gills market. However, if it is not to strangle the recovery, it must break the Goldman rule. As fiscal policy is tightened, monetary policy must be eased. This was the successful Howe formula 12 years ago, loudly applauded recently



ANTHONY HARRIS

by Bill Robinson, adviser to the lamented Norman Lamont. It is also the way US policy has developed over recent years, though monetary easing has come ahead of any effective deficit-cutting.

The tax-and-ease combination is aimed to encourage structural change rather than simply to massage demand, and it works. Does this mean that Herr Waigel has missed the point of modern, post-Keynesian economic management? Not necessarily; for the Anglo-American agenda has a hidden clause (not apparently noticed by Mr Robinson): it tends to provoke a large devaluation, and in America was

explicitly meant to do so. This is the most effective form of monetary stimulus, and therefore offsets the drag of higher taxes.

This helpful twist is simply not available to Herr Waigel. As a loyal member of the ERM, he cannot even risk devaluation, let alone court it. The market seems to understand this: the mark rose after his message. Herr Waigel promises fiscal stimulus because his exchange-rate obligation — not to mention the dead bodies of the Bundesbank council — block the alternatives.

This leads to an odd conclusion: full-hearted deficit-cutting, as enjoined in the treaty, is only sensibly possible in states that have suspended ERM membership, which the treaty also demands. Inside the system, governments can only try to borrow their way out of trouble. Yet the judge and jury in the bond markets seem to approve reckless German policy more highly

than professed British fiscal virtue, since bonds yield substantially less than gilts. The reason is straightforward: the Governor is quite wrong when he presents the bond market as the judge of policy virtue. It simply tries to back hard currencies. Governments, too, are not nearly as doctrinaire as they pretend to be. The US government stumbled into its present policy stance because it has legislated away all its fiscal freedom: Gramm-Rudman, and subsequently the Bush-Congress pact, made actions designed to increase the deficit illegal. Monetary easing was all that was left. The then Sir Geoffrey Howe raised tax to reduce monetary growth, which was necessary under Thatcher rules; she was happy to leave exchange rates to the markets, so he did.

Muddling through often gives the best results; but it seems to be ruled out by the treaty, which would increasingly fix every element in the policy mix. So pray to the judges.

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JOHN CHARCOL
TALK ABOUT A BETTER MORTGAGE
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Opec calls emergency meeting as oil price dips below \$16

By GEORGE SIVELL

THE Organisation of Petroleum Exporting Countries has called an emergency meeting for the end of this month after North Sea oil dipped below \$16 a barrel, a three-year low. At this level in real terms, oil stands lower than at any time since the Iranian revolution and at levels last seen during the Yom Kippur war in the early seventies.

After an Opec official said that its president would tour the Middle East in advance of the expected meeting, North Sea Brent oil for September delivery rebounded from \$15.90 a barrel, a three-year low to \$16.66.

The Opec move comes as Iraq and the United Nations prepare for a resumption

of talks later this week on proposed Iraqi sales of \$1.6 billion of oil over six months to finance food and medicines and make reparations to Kuwait over the Gulf war.

Opecna, the Opec official news agency, said the meeting had been called "to discuss the current soft state of the international oil market" and noted that the average price measured by the Opec basket of seven crude oils now stands at well under the target of \$21 a barrel.

Opec added: "The possibility of an agreement between Iraq and the United Nations, leading to the return of Iraqi oil exports to the world market in the near future, has added to the psychological pressure on prices. However, the extraordinary meeting will proceed, whatever the outcome of the present talks, to assess

the broader market fundamentals.

"Starting on Wednesday, H E Jean Ping, the president of the Opec conference and Gabon's minister of mines, energy and hydraulic resources, will tour the Middle East in order to seek the views of other Opec ministers on the present situation."

Opec did not provide a venue or date for the meeting but it is expected to be held in Vienna on July 28.

A tightening by Opec of production had been expected by the oil market for several weeks. But analysts were surprised that Opec had allowed the price of oil to fall so far before calling a meeting. In January, Opec called an emergency meeting after oil touched \$17 a barrel. In addition to the prospect of Iraqi oil

coming back on the market, Opec has to cope with rising production from its own members. It is estimated that Opec production during June reached 24.38 million barrels per day, up from 24.14 million bpd in May and compared with the last Opec target of 23.6 million bpd.

Opec members producing more than their quota include Iran, producing 3.64 million bpd on a ceiling of 3.34 million bpd, and a revitalised Kuwait producing 1.7 million bpd against a ceiling of 1.6 million bpd. Nigeria was producing 1.88 million bpd against a quota of 1.78 million bpd and Qatar 440,000 bpd against a quota of 364,000.

Analysts believe that the Opec meeting is likely to seek to make a credible quota agreement or to replace the somewhat

flawed pact put into operation after a meeting in Geneva during June. Kuwait publicly dissented from this agreement claiming the right to produce as much oil as it could from its war-battered infrastructure.

Opec sources said that President Ping had won agreement from the Saudis for an extraordinary session of the Opec conference and not just a mere consultation session. Analysts pointed out that implied a new Opec resolution to tighten oil markets was envisaged.

Opec is understood to believe that it had to act yesterday to prevent further oil price weakness while the United Nations and Iraq were still hammering out terms of the limited return of Iraq to world oil markets. Opec is believed to have set the

July 28 meeting because by then the outcome of the Iraq-UN talks will be known.

The sticking point in the fresh talks, however, is likely to be Kuwait, from whom a quota agreement is likely to be sought. Kuwait is, however, expected to stick to the line that it should be allowed to produce as much oil as its damaged infrastructure will allow.

That would involve a compromise between Kuwait's demand for quota parity with the United Arab Emirates and Iran's view, which prevailed in June, and Iran's view, which prevailed in June, and Iran's view, which prevailed in June. It is thought that the Saudis may also face pressure to cut from the present 8 million barrels a day.

STEPHEN MARKESON

Sales rise at fastest for three years says CBI

By PHILIP BASSETT, INDUSTRIAL EDITOR

HIGH street sales rose again last month at the fastest rate for more than three years, according to figures from the Confederation of British Industry, although the increase may be due to stores starting summer sales early.

However, CBI leaders are still emphasising that today's figures, which come in advance of the government's statistics on retail sales, due tomorrow, should be treated with caution because the improvement remains patchy.

Even so, ministers and retailers will take comfort from the figures, in the CBI's monthly distributive trades survey, which show high street sales rising in June for the sixth month in succession.

The survey, of 15,000 outlets in retailing, wholesaling and the motor trade, shows that the balance of companies in the distribution sector reporting a rise in sales — those recording a rise set against those registering a fall — grew from 28 per cent in May to 32 per cent in June, with 53 per cent saying that sales were up and 21 that they were down.

The figure, the latest in a string of increases since December, is in line with high street sales expectations, though these suggest broadly similar sales next month.

The volume of orders at a balance of 21 per cent — again roughly in line with forecasts — was slightly down on May. Stocks increased sharply, from 9 per cent to 24 per cent, which suggests that high streets may be again becoming overstocked.

Nigel Whitaker, chairman of the CBI's distributive trades

panel, says today: "Summer sales have started rather early. That clearly boosted high street business last month."

"Though retailers expected a further increase in July, Mr Whitaker said that caution was needed because expectations in previous surveys had not been fully met. "With retail sales still below normal for the time of year and stock levels building up, further volume growth may well not feed through to extra orders for suppliers," he said.

Retailers report strong growth in sales in the year to June, with a balance of 30 per cent — up from 18 per cent in May — the fastest rate of growth in overall distributive sales since April 1990. However, the rise was still slightly less than expectations a month earlier. Sales also remain below normal at a balance of minus 7 per cent, although the level of sales is showing some signs of improvement; the balance has risen from minus 14 per cent in April and minus 19 per cent in May.

CBI leaders, though, noted that improvement in sales is concentrated among larger retailers, with a balance of 38 per cent reporting an increase, while small multiples are showing a small fall at a balance of minus 1 per cent and single outlets a larger decline in sales at minus 13 per cent. Wholesaling saw the most concentrated improvement, with volumes at a balance of 41 per cent. Motor traders say that, for the second month, year-on-year sales volumes have declined slightly, from a balance of minus 2 to minus 6 per cent.

WMI's cautious note

By CARL MORTSHED

WASTE Management International, the 30 per cent owned subsidiary of Chicago-based Waste Management, gave a warning of poor trading conditions in European markets as the company revealed a 5 per cent increase in second-quarter pre-tax profits to £37 million.

Selected price increases helped WMI to raise turnover from £196 million to £235 million, but treatment and disposal facilities in France and Italy were affected by

pressure on volumes. Earnings per share for the three months to June 30 were up 22 per cent to 6.7p.

Half-year figures show profits up 14 per cent to £71 million on a 19 per cent increase in sales to £455 million, a period of rapid growth by acquisition in which the interest charge has risen from £12 million to £21 million.

WMI has picked up 25 businesses since the beginning of the year, including NFC's waste management business.



Loan arrangers: Michael Wigan, chairman, left, with Charles Taylor, managing director, and eventer Heather Holgate. In action behind is her daughter, Virginia Leng

Society set for deal to acquire mortgages

By SARA MCCONNELL

THE Birmingham Midshires building society is set to buy £75 million of the United Bank of Kuwait's £115 million residential mortgage book. The deal should be completed by the end of this month.

BM, the thirteenth-largest society, which has assets of £3.8 billion, said the loans of 1,800 customers in the South East would be transferred from the United Bank of Kuwait. Over the past five years, Birmingham Midshires has bought mortgage books worth £300 million from centralised lenders, including Sumitro Bank, Target, FS Assurance and Central Capital. The largest of these was Sumitro, at £100 million.

The United Bank of Kuwait has sold part of its mortgage book to reduce its exposure to the UK residential mortgage market, as well as realising some assets.

A Birmingham Midshires spokesman said: "We are always on the look-out for quality books."

GEC Alsthom hits a new orders peak

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

THE scale of the worldwide surge in infrastructure investment was highlighted when GEC Alsthom, the Anglo-French power engineering group, announced that its order book reached a new peak of 15.6 billion euros (£11.9 billion) last year.

The new order intake, at £7.43 billion, comfortably outstripped sales of £6.01 billion, up six per cent. The new contracts will help secure the jobs of GEC Alsthom's 77,000 employees, of whom more than 20,000 are in Britain.

Largest among last year's orders was a contract worth £500 million to equip the Black Point power station in Hong Kong. Construction of power generation and distribution equipment accounts for well over half of all sales by the group, which is jointly owned by the General Electric Company of Britain and Alcatel Alsthom of France.

Some of the strength of the company's power order book reflects the success of the Frame 9 turbine, which has enabled GEC Alsthom to win a hefty share of the burgeoning demand for high-efficiency

combined-cycle gas-fired power stations around the world.

Demand for power equipment has been particularly strong in Britain, where privatisation of the power industry triggered a spate of re-equipment, and in the Far East, where rapid economic growth has put a severe strain on generating capacity.

Orders for railway equipment, built in France and by Metro Cammell in Birmingham, also remain strong. GEC Alsthom companies are building locomotives and carriages for Eurostar, which is to provide services through the Channel tunnel connecting London to Brussels and Paris.

Operating profit margins improved during the year to March 31, rising by 9 per cent to 527 million euros after financing charges. Net income after tax rose 9.2 per cent to £100 million.

Cooper Rolls, the joint venture between Rolls-Royce and Cooper Industries of America, has won orders worth £70 million for seven gas turbines to equip oil and gas platforms in the North Sea and Malaysian waters.

Reining in cash for equine HP

A TEAM of City bankers, brokers and three-day-event personalities hopes to persuade Square Mile "punters" to stump up cash for a new finance company catering for the UK's 3 million-plus horse riders (Martin Flanagan writes).

Equine and General Finance is the idea of Charles Taylor, a banker formerly with Morgan Stanley. It will offer hire purchase and secured finance to riders to help pay for horses and ponies, as well as horse boxes, trailers and stables.

Among his recruits to the venture are Heather Holgate, the three-day-eventer. She is to be the director responsible for the valuation of horses.

Michael Wigan, who has spent most of his career in banking, will be the chairman. The offer for subscription for the new company, opened yesterday, is being handled by Keith, Bayley Rogers and Co, the broker.

The offer seeks subscriptions for up to 2.5 million units consisting of one share issued at £1 and one warrant to subscribe for a further share at £1 in the course of the next three years.

NatWest agrees links with continental banks

NATIONAL Westminster Bank, Britain's second-biggest high street bank, has reached agreement with Société Générale de France and Commerzbank of Germany to provide cross-border banking services for small business customers. NatWest said yesterday that the three are also aiming to provide small business personal customers with a cross-border payments service for low-value payments by the beginning of next year.

Lord Alexander, NatWest's chairman, said the agreements with Société Générale and Commerzbank will enable the bank's customers to have better access to the European markets and will facilitate their cross-border and trading activities. He hopes that it will help "cut through much of the bureaucracy involved in establishing cross-border banking relationships by simplifying procedures and improving communications." When the cross-border payments service is introduced next year, NatWest customers will be able to make small one-off or repetitive cross-border payments to France or Germany at a fixed price and in a fixed time.

Fisons shuffles division

FISONS, the pharmaceutical and horticultural products company, is reorganising its scientific equipment division. As a result, Robert Lankester, the division's managing director, will leave the company and has resigned as a director. Managing directors of the three main operating units, Fisons Instruments, Curtin Matheson Scientific and FSE Laboratory Supplies, will report directly to the Fisons group chief executive, the company said. Patrick Egan, chairman of Fisons, said the current administration and support functions for the scientific equipment division would be restructured accordingly.

Enquiry into KPMG

THE chartered accountants' joint disciplinary scheme has launched an investigation of KPMG Peat Marwick, Britain's second-biggest accountancy group, over the audit of International Signal and Control, the acquisition of which crippled Ferranti after defence contracts were found to have no substance. A streamlined procedure will be used under which Michael Chance, the scheme's executive counsel, will investigate KPMG's "professional and business conduct, efficiency and competence" in relation to the audit of ISC companies. If he finds grounds for complaint, a tribunal will judge the issue.

TV companies link up

GRANADA, Scottish TV, Border and Grampian Television have formed a joint advertising sales company for northern ITV companies. In the South and West of England, Meridian, HTV, Channel Television, Westcountry Television and the Welsh Channel Four S4C have similarly teamed up. As a result of the alliances, a company set up by Scottish TV, HTV, Grampian, S4C and Westcountry will be wound up. Granada and Scottish TV will jointly own the company which sells airtime for them and their smaller rivals. HTV will jointly own a company with Meridian.

Japan's car exports slow

JAPAN'S car and commercial vehicle exports fell 3.6 per cent to 2.79 million in the first six months of the year. They have declined every month since October, except for March when they rose 6.1 per cent. In the first half of last year, they increased by 1.7 per cent. Vehicle production in the first half dropped 7.4 per cent from a year ago to 5.88 million. January-June vehicle production was 4.45 million cars, down 6 per cent, and 1.43 million commercial vehicles, down 10.7 per cent.

Backing for Németh at EBRD

By COLIN NARBROUGH
WORLD TRADE
CORRESPONDENT

BACKERS of Miklós Németh, the former Hungarian prime minister and current vice-president of the European Bank for Reconstruction and Development, are trying to persuade Budapest to enter Mr Németh as a last-minute contender in the race to succeed Jacques Attali as EBRD president.

With the deadline for entries only a day off, Mr Németh's supporters want the Hungarian government to overcome its political objections to Mr Németh, a former communist. Candidates can be put forward only by their own governments.

Influential support for Mr Németh comes from those who oppose the idea of the presidency being permanently in French hands, or the object of horse-trading between certain western governments. EBRD officials see Mr Németh, a trained economist who studied at Harvard, as the ideal person to signal a



Németh: ex-communist

further commitment by the bank to eastern and central Europe.

Britain has made clear that it does not believe the EBRD president has to be French, despite the original deal under which the City was awarded the bank's headquarters, while a Frenchman, M Attali, was made president.

But Jacques de Larosière, government of the Banque de France, has so far been consid-

ered the front-runner to take over from M Attali, who left the bank abruptly last week when a damning report by the bank's audit committee, documenting his two years of lavish spending, was shown to directors.

The audit committee report, produced at a cost of £247,000, triggered a dispute among directors over M Attali's severance terms. Many were outraged by a proposal to offer him immunity from liability for his extravagances, in return for his waiving a £147,000 pay-off.

Anne Wibbe, the Swedish chairman of the board of governors, had been expected to inform M Attali at the beginning of this week that he would receive neither payment nor immunity, but appears to have run into delays in agreeing the terms of M Attali's resignation with other governors.

Until he has signed his resignation, M Attali remains legal president of the EBRD, though he is not expected to set foot in the bank again.

If his government puts his

name forward, Mr Németh could secure the top job at the EBRD under a trade-off recently floated in Bonn. This foresees M de Larosière becoming the head of the European Monetary Institute, the forerunner of the proposed European Central Bank, in exchange for the bank's headquarters being set up in Germany.

□ Kenneth Clarke, the Chancellor, reiterated denials that any decision had been taken on the location of the European central bank, but *Handelsblatt*, a German business newspaper, insisted that there was a secret agreement to set up the bank in Frankfurt. The paper said the British government was furious that this had been leaked, "because it expects increasing opposition to ratification of the Maastricht treaty".

The Commons votes on the treaty on Thursday, but a High Court ruling yesterday to allow Lord Roes-Mogg, the former editor of *The Times*, to seek a judicial review of the ratification process could hold up final approval for months.

Ruling near on power complaint

By MARTIN FLANAGAN

A RULING on whether the privatised regional electricity companies are breaking government regulations by subsidising their retailing activities from power distribution profits is expected within weeks.

It will follow six months of parallel investigations by the Office of Fair Trading and by Oftec, the electricity regulator, prompted by allegations from Dixons, the electronics retailer, of unfair competition.

Neither regulatory body would comment but a source close to the investigations said: "Offer are likely to make their report within weeks rather than months."

A regional electricity company executive commented: "We have had little contact with the OFT after preliminary enquiries, but regular correspondence with the electricity regulator's office."

"Recently, we were asked by Oftec to reply on one aspect of the investigation within a

week, which was far quicker than had been the case. I think it is coming to a head."

The executive said the electricity companies would welcome a clearing of the air.

Dixons, which owns Currys, is the biggest electrical retailer in the country, followed by Kingfisher's Comet group. However, the retail joint venture between Eastern Electric, Southern Electricity and Midlands Electricity is in third place. Norwec also claims to have a vigorous retailing arm.

Offer's investigation centres on the terms under which the electricity companies were granted power distribution licences and the ban on cross-subsidisation of retailing activities which Dixons alleges is occurring. The electricity companies deny the claim.

The investigation by the Office of Fair Trading is focusing on the fair competition aspects of the dispute.

Medeva plunges after sudden profits warning

By MARTIN WALLER
DEPUTY CITY EDITOR

THE pharmaceutical sector, long plagued with erratic share price movements, suffered another serious shock yesterday when Medeva, one of its wonder stocks, was forced to rush out a profits warning.

Shares in Medeva, which over the past three years have grown in a virtual straight line from below 50p, almost halved, falling 104p to 112p as the group said profits for 1993 would be about £10 million below analysts' expectations.

This stems from a sales downturn at the American IMS business, which sells painkillers and other essential supplies to hospitals and doctors partly through wholesalers, and problems with the Food and Drug Administration over production at another subsidiary in the United States.

So far this year Medeva has raised £94.4 million in a rights issue at 180p and been named by the Institute of Directors' own magazine as the most successful business to weather the recession.

Bernard Taylor, the chairman, said the scale of the lost profits had only emerged at the end of last week, and although the precise effect of the difficulties with the FDA could not fully be quantified,

Medeva's star status in a troubled sector was shattered by a profit warning that raised questions about the company's ability to resume its hectic growth programme

no further shocks were expected.

"We're not going to keep these things up our sleeve. That doesn't mean they aren't going to happen," he admitted. "A lot of people must be very disappointed by our share price today, and I don't blame them." Mr Taylor has about 500,000 shares and further extensive options.

At IMS, he said, the problem had arisen from the decision of the sales management team at the start of the year to push stock to wholesalers in order to meet budgets without then determining that the stock was going out to customers. This led to a backlog of stock that would limit sales later this year as it cleared.

The sales staff, numbering about 30, had been on commission linked to sales. Medeva is currently investigating further, but meanwhile new management had been put in place.

The second difficulty related to MD Pharmaceuticals, which produces methyphenidate, used for treating hyperactivity in children but also a drug of abuse whose production is

constrained by the authorities. A two-week shutdown had been required to deal with matters arising from an inspection by the US Food and Drug Administration and this would affect first-half sales, but there remained the possibility that the FDA would require some batches already distributed to be withdrawn from the market.

"That's obviously what's worrying the market, and quite frankly, it's worrying me as well," said Mr Taylor.

Medeva therefore believes that profits for calendar 1993 will fall about £10 million short of analysts' forecasts, which were in the £53-57 million area before tax, even before the cost of further action from the FDA on methyphenidate. In 1992 the company made £36 million pre-tax.

Mr Taylor commented: "While the reduction in the likely rate of our profit growth in 1993 is a matter for regret, we remain confident about Medeva's prospects in 1994 and beyond."

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Shares in Boots strengthen as Manoplax is withdrawn

By GEORGE SIVELL

SHARES in Boots rose 13p to 435p after the retail and pharmaceutical group withdrew Manoplax, its drug launched less than a year ago to treat congestive heart failure.

Boots is now expected by analysts to sell its prescription pharmaceutical business. It is widely believed in the City that Boots had predicated the future of its pharmaceuticals business on the success of Manoplax, dubbed "man-anaplex" by brokers.

The drug won its nickname because of lengthy delays in bringing it onto the market. But news of its approval last September only heightened speculation that the pharmaceuticals division would soon be strong enough to float off separately.

A withdrawal of Manoplax from the market has been expected since April when Boots revealed that death rates increased among patients given doses of 100mg a day of

Manoplax. In the announcement on April 26, Boots said that no such trend had been seen among patients taking 75mg a day, and expressed every confidence in the future of the drug.

Yesterday Boots said "an increase in hospitalisations of patients on the 75mg dose of Manoplax has been seen in further interim analyses of data from this study. In view of these data, the continued use of Manoplax can no longer be recommended."

Boots said that it would write off £35 million of stocks and manufacturing costs. But Boots added that the savings on marketing and research expenditure, balanced against costs of restructuring, is expected to have a small positive impact on cash flow and profits for this year.

The costs and benefits were both in line with City expectations. Pharmaceuticals make up

around one fifth of Boots' sales and contribute about one quarter of profits. Analysts said that Boots must have decided to withdraw the drug voluntarily to avoid the embarrassment of being forced to withdraw.

The American Food and Drug Administration was due to re-examine Manoplax in September. "A company does not voluntarily withdraw its top drug unless it sees the writing on the wall" said one analyst.

The Boots pharmaceutical division is now left with an anti-obesity drug in the advanced stage of clinical trials, in addition to a treatment for schizophrenia and an anti-diabetic agent for diabetics who are not dependent on insulin. Boots also has an anti-inflammatory drug to treat asthma and an anti-depressant in pre-clinical trials.

Tempus, page 25



Stir-fry. John Barnes, chairman of Harry Ramsden, dozen of fish and chips purveyors, is casing his net wider in the Far East. Mr Barnes, whose fish and chips group made pre-tax profits of £57.7 million (£76.7 million) for the half-year to end-March, is on track to secure Ramsden's presence abroad, (Jon Ashworth writes).

A new restaurant in Hong Kong, while not yet profit-

able, is billed as the pilot for Pacific Rim expansion. A franchisee has been recruited in Singapore and talks are under way in Australia. Ramsden hopes to open up in Jeddah next summer.

Back home, two openings in Manchester and Tyneside in November took the total number of UK Harry Ramsden outlets to seven. Two more have opened since then in Edinburgh and Birmingham.

Further UK openings are planned. Turnover rose to £12 million (£1 million). Earnings per share were 1p (0.9p). The interim dividend is held at 1p. The launch of Harry Ramsden's, Hong Kong, last August became the local media event of the year. The £1.5 million, 200-seat restaurant had within days run out of both chips and the copious quantities of Topley's Blister needed to wash them down.

Worldwide income up 27% at L&G

By A CORRESPONDENT

LEGAL & General, the insurance group, said worldwide life and pension equivalent premium income for the first half of 1993 rose 27.1 per cent to £156.1 million amid signs the recession was easing.

"I am encouraged by the improvement in our UK sales figures which reflect both the gradual emergence of the economy from recession and a more focused approach to the management of our distribution channels," said group chief executive David Prosser.

In the UK, equivalent premium income increased by 27.2 per cent to £122.7 million. New annual premiums were up 1.5 per cent to £74.1 million and single premiums more than doubled to £486.1 million. New money into L&G's unit trusts and Peps rose 182 per cent to £76.6 million.

New money for active fund management rose to more than £150 million, reflecting improved investment performance and a growing reputation for the management of bonds, L&G said. Excluding the positive effect of currency movements, overseas life and pensions annual premiums showed an increase of 1 per cent although single premiums rose 27 per cent.

Tempus, page 25

RTZ raises \$510m from Nerco assets

FROM PHILIP ROBINSON IN NEW YORK

RTZ, the world's largest mining company, yesterday announced sales of some of the unwanted parts of last month's \$1.2 billion acquisition of US Nerco, the minerals and energy group.

In two deals to sell oil and gas assets, RTZ will raise \$510 million, recouping all of the \$470 million cash paid for the whole of Nerco when the deal went through on June 2. RTZ assumed \$692 million of debt as part of the Nerco purchase.

Nerco's oil and gas in Louisiana will be sold in two parcels. The Black Lake field and the oil stock of its pipeline company will be sold to Western Gas Resources, the small US natural gas processor, for \$156 million. Nerco Oil and Gas will be sold to the Louisiana Land and Exploration Company for \$333.7 million. RTZ is also at an advanced stage of selling the remaining precious metal mining assets.

Nerco produced 95.6 billion cu ft of gas and 1.9 million barrels of oil last year. At the end of 1992, proven and likely reserves amounted to 414 billion cu ft of gas and 10.5 million barrels of oil. But RTZ says neither gas, oil or pre-

cious metals fits the company's strategic objectives.

The jewel in Nerco's crown is three low-sulphur coal mines in the Powder River Basin in Montana and Wyoming whose reserves are estimated at 580 million tonnes and which mined 16.6 tonnes last year, or about 1.6 per cent of the total market.

The shift to low sulphur production has been a policy pursued by Hanson since it bought Peabody Holdings in 1990 to become America's largest coal miner. It has shifted much of its annual 91 million tonnes from high to low sulphur mines.

Electricity companies, its biggest clients, are converting increasingly to low-sulphur coal to meet the requirement so the Clean Air Act Amendments, which are due to come in within two years. Late last month, Hanson purchased a further 700 million tonnes of low sulphur coal from US Santa Fe Pacific Minerals Corporation in an asset-swap deal. No price was given, but at current rates the tonnage was valued at \$1.75 billion.

Tempus, page 25

Royal Bank agrees to buy loss-hit Adam

By OUR CITY STAFF

ADAM & Company, the private banking group that last year lost £21 million in unauthorised foreign exchange dealing, is set to be taken over by Royal Bank of Scotland.

Royal Bank, which has had a close relationship with Adam since it was set up in 1983, will pay about £10.5 million if the deal goes through. Adam's board has recommended the deal to shareholders and the offer already has substantial backing.

Adam was rescued in September last year when François Schumacher Primat, a shareholder, put up £21 million after the group's capital was wiped out by the foreign exchange losses.

The Adam board decided to

accept the offer because it needed to repay Prime Primat out of its profits and felt that it was better to accept cash now to redeem the investment in part.

Adam, with offices in Edinburgh, Glasgow, London and Guernsey, was set up to offer "discreet management of the banking and investment affairs of private individuals". Customers had to have income of about £50,000 a year and assets of about £250,000.

Sir Charles Fraser will stay chairman. James Laurensen, managing director and deputy chairman, will become a non-executive director. Two other executive directors will stay.

Tempus, page 25

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Dig for jobs: Joe Clarke, Mayor of Wigan, cutting the first sod yesterday to begin construction by British Coal Enterprise of a business park on the site of the defunct Golborne Colliery, near Leigh, Lancashire. The £14 million development will create 30,000 sq ft of small units for new businesses. Golborne, closed four years ago, was part of the three-part Bickershaw complex, the deepest mines in Britain.

US may open door to foreign airlines

FROM PHILIP ROBINSON
IN NEW YORK

BRITISH Airways could lift its voting stake in USAir from 25 to 49 per cent under proposals being considered by President Clinton's new commission on the US airline industry. The commission is due to produce its report next month; it is working on final details yesterday.

Industry sources say it is likely to recommend that permitted foreign stakes in domestic airlines be lifted to 49 per cent, provided countries with carriers that wish to buy stakes give greater landing freedom to US operators.

The Commission to Ensure a Strong, Competitive Airline Industry, is also considering setting up an agency that would measure airlines' financial fitness. The industry has lost more money than it has made since aviation began. Seven big

US carriers lost \$5 billion last year alone. Herbert Kelleher, chairman of Southwest Airlines and the only passenger airline representative on the commission, doubted whether financial fitness rules would work. He said his airline would have been declared unfit and technically bankrupt if the proposed standards had been in force in 1971 or 1972. Southwest is currently the only American airline making a profit.

William Howard, the new chairman of Trans World Airlines, called for more government regulation to end damaging fare wars. He said that since the industry had been deregulated in 1979, carriers had destroyed themselves with unrealistic low prices. The end of government regulation on routes had been good, but fare deregulation had "in some cases" been very harmful to the industry. He called for a government-imposed price floor that would stop large carriers trying

to force small ones out of business by predatory pricing. TWA is due to emerge from the bankruptcy courts within weeks. McDonnell Douglas bounced back into the black in the six months to June 30, despite recession in the aircraft industry. The company is fighting for second place against Europe's Airbus Industrie. Profits hit \$36 million, up from a \$15 billion loss last time, on sales down from \$8.8 billion to \$7.4 billion.

Cancelled and delayed orders cut McDonnell's backlog to \$38.36 billion, from \$41.81 billion at the end of last year. Missiles, space and electronic systems made record operating earnings of \$199 million, up from \$81 million; military aircraft made near-record operating earnings of \$225 million, up from \$70 million. Aerospace debt was cut by \$424 million and should \$1 billion lower by the end of this year.

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Tokyo market players react cautiously to defeat of LDP

FROM AFP IN TOKYO

JAPANESE financial markets took the ruling party's electoral defeat in their stride with share prices drifting lower, bond prices climbing higher and the yen stabilising against the dollar.

Participants were generally cautious after the conservative Liberal Democratic Party failed to win a majority, awaiting the outcome of backroom efforts to form a coalition.

"I think the LDP will become the core group although without a coalition, it might try to form a minority government," said a Japanese economist with close links to the LDP and the leftist Social Democratic Party.

"In that case, the political situation will become very unstable and might lead to another dissolution of parliament," he said.

After rising in a late surge of buying on Friday amid feeling that the LDP would do better than expected in Sunday's poll, the Nikkei average closed 180.61 points lower at 20,150.92 in light volume. Most investors stayed on the sidelines pending political developments, dealers said.

In the bond market, buying continued to push up prices amid growing expectations that the Bank of Japan will lower its official discount rate, which has been at an all-time low of 2.5 per cent since February.

The yield on the benchmark 10-year issue dropped from 4.26 per cent on Friday to less



Show of hands: Most Tokyo market participants voted to stay on the sidelines and await political developments

than 4.23 per cent.

"I think the Bank of Japan will respond over the next few weeks or so," said Michael Hartnett, chief economist at Schroder Securities (Japan). Lower interest rates and tax cuts were likely whatever the political situation, he added.

"Policy will ultimately respond to the economy rather

than politics," Mr Hartnett said, noting that a "volatile situation" had been averted by the failure of the Japanese Renewal Party formed last month by Tsutomu Hata, the former finance minister, to win enough seats to form a majority with four other opposition parties.

"Because this didn't happen,

I don't think we will see major lurches one way or the other for the markets," Mr Hartnett said, adding that the decision of the prime minister, Kiichi Miyazawa, not to resign for the time being was also reassuring.

"If Miyazawa does stay on, I don't think it would be such a bad thing. I think he has got

enough presence and enough nous to push things through." The yen closed higher at 107.65 to the dollar, up from Friday's finish of 107.98 in Tokyo but down from last week's close of 107.45 in New York.

The Japanese economist noted that the current political uncertainty "could have a negative impact on the yen in the short term" but was unlikely to reverse the long-term trend towards a stronger currency reflecting Japan's burgeoning external surplus with the rest of the world.

A dealer at a European bank noted that newly established political parties did particularly well in Sunday's lower house election. "I don't think they would change monetary policy or foreign policy, so everything will basically stay unchanged," he said.

BAe urges backing for Taiwan link

FROM AP IN TAIWAN

JOHN Cahill, chairman of British Aerospace, urged Taiwan's economic minister to support his company's plan for a \$500 million joint venture with Taiwan Aerospace to build passenger jets.

Chiang Pin-kun, the minister, said he had told Mr Cahill that the venture still needed the approval of Taiwan's parliament. Mr Cahill also met leaders of the opposition Democratic Progressive Party, which has criticised the aviation venture as too expensive and has questioned whether BAe will transfer technology.

The two aerospace companies signed an agreement in January that requires each partner to invest \$250 million in the venture. Mr Cahill has asked Taiwan to decide by the end of this month whether it will give its approval.

Taiwan has been seeking joint ventures with foreign aircraft makers to help develop its aerospace industry. Last year, Taiwan Aerospace, which is 29 per cent owned by the Taiwanese government, abandoned plans to buy 40 per cent of the commercial aircraft operation of McDonnell Douglas of the US for \$525 million.

It later turned to BAe because that alliance would be less expensive.

BAA looks to traffic growth

BAA, the airport operator, said yesterday that it expects traffic growth in the current financial year to March 31 of about 4 per cent. However, Brian Smith, chairman, told the annual meeting that BAA's earnings from its pure airport traffic activities would be constrained once more by the Civil Aviation Authority (CAA) requiring that landing fees be cut.

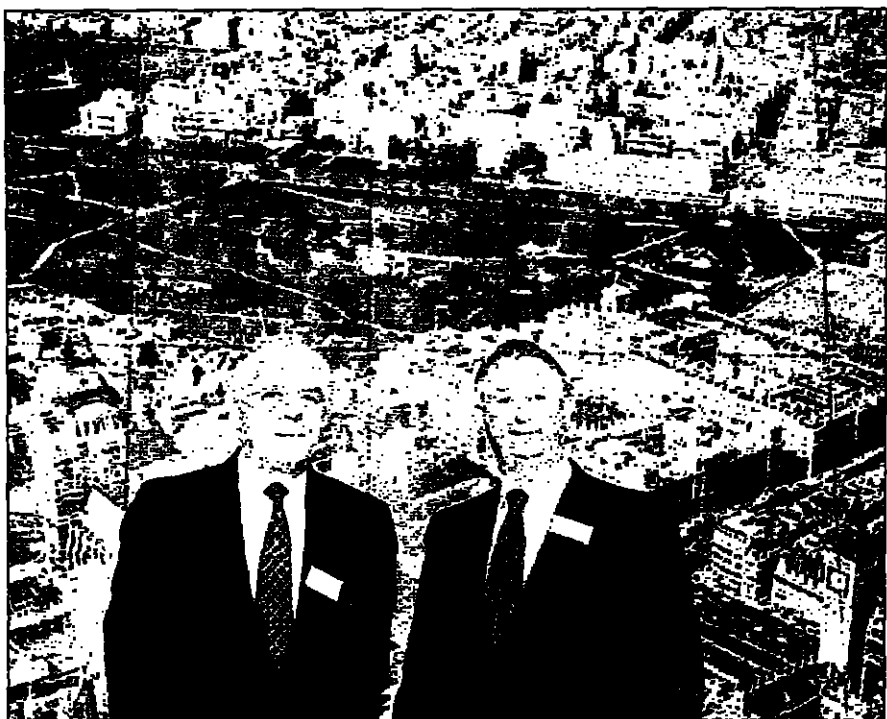
BAA gave no comparable

traffic growth figure for the past year, but the passenger total rose 8.6 per cent, air transport movements 3.9 per cent and cargo 7.1 per cent.

BAA is in the second year of a pricing formula set by the CAA to compensate for its virtual monopoly in the airport business as a former state company. It lets BAA increase landing fees each year by the rate of retail price inflation minus 8 per

cent, but since inflation is down to 1.2 per cent, the formula dictates a cut. BAA is therefore boosting retail activities and trying to expand abroad. It is studying a retail pact with Chicago's O'Hare airport.

Dr Smith said that BAA had been cash-generative in the year to end-March 1993 in spite of its investment commitments. Retail space is to be doubled by 1997.



High-fliers: Sir John Egan, BAA chief executive, and Brian Smith, chairman

US investors shun technology shares

New York - Shares were mixed in late morning trading as investors moved away from technology stocks.

"We're seeing another sector rotation here out of technologies and into financial and capital goods stocks," said Guy Truicko, portfolio manager at Unity Management.

"The technologies are still under pressure after getting slaughtered last week," Mr Truicko said.

Towards the end of the morning, the Dow Jones industrial average was 1.68 points ahead at 3,529.97. Declines led advances by about eight to seven. US Treasuries were narrowly mixed, with the long bond up 1/32 to yield 6.54 per cent.

□ Frankfurt - The market closed at a new high for the year as foreign investment funds came back to the market to buy German equities. The rally that began two weeks ago has restarted, after last week's pause for breath. General optimism about the German economy is underpinning the rally.

Blue chips led the way but second-line shares also attracted interest. The Dax index ended 22.82 points higher at 1,836.28, compared with 1993's previous highest closing level of 1,818.17.

Market observers believe

Drug sector shares suffer another day of headaches

DRUG shares, whose fall from market grace over the past year has been precipitous, were jolted afresh yesterday by a mixture of surprising company announcements and competition worries.

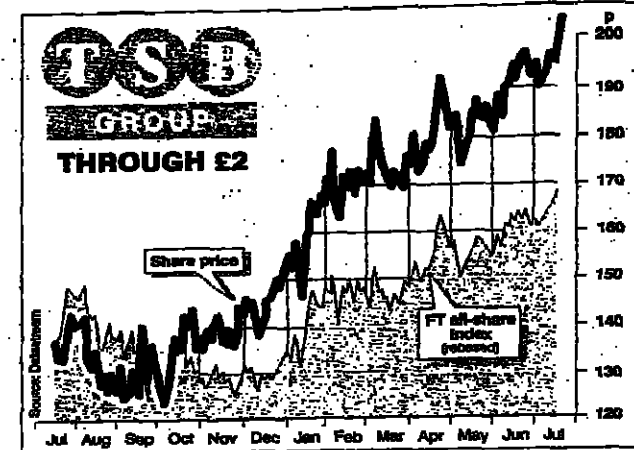
Spearsheading the bad medicine were Medeva, where an unrelenting profits warning cut 104p - or 48 per cent - from the share price to leave it at 112p. The drugs company said 1993 profits will probably be about £10 million below market expectations due to problems in its US operations.

Wellcome shares were off 30p at 604p on fears of competition to Zovirax, its herpes drug, from SmithKline Beecham's rival, Famciclovir, which will soon be subsidised for regulatory approval. Last year, Zovirax had sales of £586 million. Boots, meanwhile, surprised traders by announcing the withdrawal of Manoplax, its heart drug, at a cost of £35 million, after unsatisfactory trials. But the shares firmed 13p to 435p, as dealers inferred Boots' decision to stop making the tablets - known as "Mañana" to some City cynics because of off-repeated suggestions of jam tomorrow - would sharpen the retailing focus. Glaxo shares were 523p, down 15 1/2p, on trial uncertainties concerning Zantac, its ulcer treatment, with Amersham off 8p at 798p. Zeneca shares were 613p, down 10p, ahead of preliminary results next week.

SmithKline Beecham broke ranks with a 1p rise to 416p before today's interim results. Analysts are forecasting profits of between £575 million and £595 million. The rise was restrained by concerns about SB's American exposure - about \$3 per cent of historic profits - while a US decision is awaited on drug pricing.

Market volume was a respectable 750 million due to the successful £5 billion BT3 share offer. BT partly paid 1993 shares least 18p to 168p. Overall trading remained in a narrow band, with the FT-SE 100 index finishing up 9.9 points at 2,842.9.

A bright spot was TSB, which burst the £2 ceiling to record a year's high of 204p on renewed speculation that it is close to selling its Hill Samuel merchant banking arm. But



Commercial Union, the insurance company, continued its recent advance, up 9p to 629p, compared with a low point this year of 556p. Hoare Govett, the broker, is sticking with its buy recommendation, despite originally putting a 630p upper limit at the time its note went out - when the shares were 588p.

Elsewhere, buoyant business figures from Legal & General lifted it 13p to 510p, with Prudential rising 6p to 348p in sympathy. Re-ignited bid speculation excited the composite insurers. Royal Insurance added 2p to 324p, General Accident firmed 9p to

625p, and Sun Alliance were 382p, up 4p.

Among the stores, the belated recognition of shareholder democracy at GUS, and speculation that a cash distribution might be in its slipstream, firmed the A shares by 48p to 1958p. The ordinaries were 90p better at 3490p.

Storehouse shares were 194p, up 6p, after a Morgan Stanley buy note. The broker forecasts profits of £69 million this year and £86 million next.

Food retailers also did better as traders felt reports of overcapacity in the industry had been overdone. Sainsbury shares were 458p, up 16p. Tesco 209p, up 9p, and Asda 24p ahead at 624p. Safeway, despite originally putting a 630p upper limit at the time its note went out - when the shares were 588p.

Oil turned down as crude fell under \$16 a barrel for the first time since the Gulf war. The price fall reflects concerns that a UN/Iraq export agreement will further depress prices. BP shares were 285 1/2p, down 6 1/2p. Shell gave up 4p to 607p, and Lasso 137 1/2p, off 2p.

□ GILT-EDGED: Gilt were trading down two ticks at the short end.

MARTIN FLANAGAN

LEGAL & PUBLIC NOTICES

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LEGAL NOTICES

ABC PLASTICS LIMITED
NOTICE OF MEETING OF THE
MEMBERS OF ABC PLASTICS LIMITED
The Members of ABC Plastics Limited are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to ABC Plastics (UK) Limited.

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
DATED 19th July 1993
FILLIS PUBLICATIONS GROUP PLC
NOTICE OF MEETING OF THE
MEMBERS OF FILLIS PUBLICATIONS GROUP PLC
The Members of Fillis Publications Group PLC are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to Fillis Publications (UK) Limited.

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
DATED 19th July 1993
FILLIS PUBLICATIONS GROUP PLC
NOTICE OF MEETING OF THE
MEMBERS OF FILLIS PUBLICATIONS GROUP PLC
The Members of Fillis Publications Group PLC are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to Fillis Publications (UK) Limited.

LEGAL NOTICES

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NOTICE OF MEETING OF THE
MEMBERS OF EFFORD LIMITED
The Members of Efford Limited are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to Efford (UK) Limited.

IN THE MATTER OF THE
COMPANY ACT 1985
NOTICE OF MEETING OF THE
MEMBERS OF THE COMPANY
The Members of the Company are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to the Company (UK) Limited.

IN THE MATTER OF THE
COMPANY ACT 1985
NOTICE OF MEETING OF THE
MEMBERS OF THE COMPANY
The Members of the Company are hereby notified that a meeting of the Company will be held at the offices of the Company, 100, Victoria Road, London W12 0JF, on Friday, 23rd July 1993, at 10.00 am for the purpose of considering and voting on the proposed resolution of the Company to change its name to the Company (UK) Limited.

LEGAL NOTICES

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IN THE MATTER OF THE
COMPANY ACT 1985
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Tiphook	230p (-21p)
Zeneca	613p (-10p)
Dalekap	154p (-31p)
Broken Hill	654p (-12p)

Closing Prices Page 27

RECENT ISSUES

AG Holdings (125)	128				
Anagen (100)	87	-1			
Baring Chrysalis C (539)	659				
Baring Emu Mks (510)	676				
BT (Party/Paid) (150)	168				
Business Post (120)	143	+5			
Carpetright (148)	165				
Celisis International (100)	101	-2			
Court Cavendish (225)	185	-11			
Crabtree (150)	232				
Creston Warrants	7				
Devo International (170)	192	+1			
Eaglet Inv Trust	97				
Eaglet Inv Warrants	34				
Environmed (110)	117				
Europennel Wmns 1993	16				
Field Group (250)	287				
Fine Decor (210)	261				
Finsbury Smaller Cos C 140					
Govet Emerging Mks	99	-1			
Govet Emu Mks Wts	49	-2			
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BT celebrates its final leap to freedom and competition

Patricia Tehan assesses the prospects for the telecoms giant now that the BT3 sale has virtually removed the all vestiges of government control

Almost nine years have gone by since the government sold its first tranche of shares in British Telecom. As of yesterday the company is almost entirely in the hands of the private sector.

That the government still holds a 1% special rights redeemable preference share will not affect BT in its day-to-day running of the business, although it does prevent any one shareholder from owning or having an interest in 1% of shares or more of BT's shares.

BT is delighted to be out of government hands, Michael Hefher, managing director, said yesterday. "Now we can concentrate fully on our ambition of making BT the world's most successful telecommunications company."

Iain Vallance, the chairman, said: "It is particularly pleasing that over half of the retail offer went to existing shareholders. It is a vote of confidence in BT as we enter a new era in our development." He also expressed pleasure in the vote of confidence from institutions had shown in the company.

The company has suffered from a misconception among overseas competitors, customers and investors that it was state-owned, and therefore controlled by the government, and has felt that people would not believe that if the government held more than 20 per cent of shares it would not use them.

BT has not changed beyond all recognition since 1984 but it has changed for the better. Those who bought BT shares in December 1984 at 50p for the first instalment and were not tempted to sell for almost 100 per cent profit on the first day, have watched their shares out-perform the market. And most people would agree that quality of service has improved.

One telecoms analyst said up to now everybody had been perfectly happy. "It was a model privatisation and it is no coincidence that most phone companies in Europe are now thinking of doing the same thing," he said.

Since privatisation the company has watched profits increase at a rapid rate, reaching a peak of £3,075 million in the year to end-March 1993. But, since then, profits have tailed off as the effects of the recession, competition and regulation hit home.

BT's cost cutting exercise will reduce staffing levels from 244,400 in 1989 to 170,000 by the end of March this year. That number is expected to fall by a further 15,000 on each of 1994 and 1995 and BT is believed to have targeted a workforce size of 100,000 in its core business by 1998.

However, for the first time in its history BT now faces real and continued competition in almost all its markets. In the past it has reacted by driving down prices in the markets where it faced competition. But its core domestic and business telephone markets are now facing a daily battering from established and new competitors.

Since the government's telecom-



Aiming high: Michael Hefher intends that BT will be the world's most successful telecoms company

munications Duopoly Review in 1991, 20 new telecommunications licences have been awarded and another 40 applications are outstanding, including one from BT's main international rival AT&T. BT faces competition in its national trunk markets from not only Mercury, but from Eoergis, and from National Telecommunications.

But far more threatening is the threat to its local business from the big American regional Bell companies and their partners which, with their UK cable franchises, are targeting domestic customers with a combined television and telephone product. James

publish a list of tariffs of interconnect charges. It proposes that Ofel should approve tariffs for network services where BT has a monopoly, but that tariffs, where competition exists, should not be subject to Ofel's scrutiny. The issue is likely to emerge again this week when BT submits its response to Ofel's proposals.

As competition erodes BT's ability to increase profits in its domestic market, the company has sought to become a successful international telecommunications player. But its only chance of doing so is by breaking into highly competitive, but unregulated markets overseas.

This is where its \$4.3 billion investment in a 20 per cent stake in MCI, the US international telecommunications operator, announced in June, comes in. The two companies will put \$1 billion into a new joint venture company that will offer private telecommunications services to multi-national companies worldwide. Mr Vallance said the alliance will "break into what is de facto a cartel of monopoly operators in the rest of the world".

However, the partners are operating in an intensely competitive market, taking on the likes of AT&T (with its own Worldsource consortium), France Telecom and Deutsche Telekom with Eutelsat, and Unisource, a venture by the Dutch, Swedish and Swiss telephone companies.

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per cent over the same period. BT has also refused to underplay the threat posed to its future prospects by competition and the regulatory environment in which it operates.

The company was forced to accept a tough new pricing regime of inflation minus 7.5 per cent which comes into force at the end of this month rather than opt for a referral to the monopoly commission. However, it pointed out in the prospectus that its room for flexibility in pricing has been significantly curtailed by the new price controls and argued that no competing operator, including Mercury, is subject to price controls.

The main issue yet to be resolved on the regulatory side is the ongoing negotiation between BT and Ofel over the interconnection of BT with its competitor networks. Ofel has made detailed proposals for the separation of BT's accounts

into network (for wholesale), retail and access businesses. He also wants BT to publish internal transfer charges between them which will be used as the basis for the interconnection charges to be levied on interconnecting networks.

However, BT believes these proposals run counter to the principle of letting competition substitute progressively for regulation, and will not provide certainty of interconnection charges. It has referred to the burdensome and costly demands that this will make and argued that it will give undue advantage to its competitors.

Instead BT has proposed that it

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TEMPUS

Hob-nailed Boots

FOR years Boots has struggled with a split personality. Is it a retailer that manufactures some useful pharmaceuticals or a drugs company with a presence on the high street? The group's failure to determine its true identity left it too thinly spread beyond the chemist chain. One of the ensuing risks was realised yesterday with the withdrawal of Manoplax, its once-vaunted heart drug.

The failure of Manoplax is far more damaging to Boots than just the £120 million it cost to research and develop the drug over the years, although that is painful enough. It leaves a hole in its portfolio of proprietary drugs. The group has several products under development, including an anti-obesity agent, but none are likely to contribute to profits before the next century. By then most of the existing products will be off-patent.

Boots seems to regard its position in the proprietary drugs field as sacrosanct, but the management should see sense and look for a buyer. A disposal will not attract anywhere near the price the group could have commanded two years ago when pharmaceuticals were fashionable, but it would at least save the group further heavy expenditure for uncertain returns. Boots could satisfy its instincts as a manufacturer by retaining its less risky over-the-counter medicines business. At least users of Strepsils and Nurofen have never suffered an increased mortality rate.

The money from a disposals would be far better spent on enhancing Boots' retail operations, including Halfords and the Do It All joint venture, which are themselves facing rising competitive pressure.

Medeva

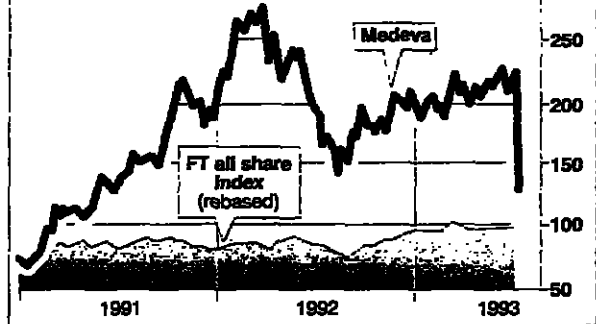
ONCE it became clear that a cog had fallen off Medeva's perpetual motion machine an adverse market reaction was inevitable. But a share price virtually halved leaves the former healthcare wunderkind selling on an ignominious forward multiple of about ten times earnings, which should tempt back optimists, however badly they burnt their fingers in April's rights issue.

They will need strong nerves. This sort of innocuous profits warning has preceded much worse for many a one-time stock market over-achiever, the most notable of late being Spring Ram. Of the two difficulties referred to, the sales collapse at IMS, its American hospital products company, is the most significant. If this is simply the fault of an over-ambitious

sales force, the situation will resolve itself, although perhaps at the cost of higher rebates to wholesalers who have provided discounts to the end-users. There is no such comfort if it represents a long-term swing in demand patterns.

Production of methylphenidate at MD Pharmaceuticals should strengthen out, not least because the FDA is unlikely to take too strong a line in a market where there are only two indigenous suppliers. Medeva still has many operations unaffected by the profits warning. But no further explanations are promised until the August 24 interim figures and the shares can expect choppy waters until then.

DRUG DOWNFALL



Legal & General

HALF-year new business figures from Legal & General, the first from the life assurance sector this summer, suggest the industry is starting to pull out of the recessionary doldrums it has suffered during the past three years. The 74 per cent rise in new premium income to £665 million was far higher than the City had expected and is a demanding benchmark for competitors.

The figures should be treated with some caution. Almost all the growth came from the single premium side. Indeed, a single corporate customer accounted for £139 million of the rise. The improvement in the regular savings market is harder to detect. New annual premiums rose only 6 per cent to £59.6 million.

The increase in single premium business is nevertheless welcome, since it implies that retail investors are active again, but lack the confidence to make a long-term regular commitment. After Legal & General's action to contain the risks of its general business, the group is free to concentrate its efforts on its

core life operations. These figures demonstrate the potential of those operations.

Royal Bank of Scotland

WHILE most British banks are content to lie low and repair their tattered balance sheets this year, the Royal Bank of Scotland has become a hyperactive deal-maker. Yesterday's acquisition of Adam & Co, the Edinburgh private bank, means that Royal has now completed four deals this year, including the disposal of Charterhouse and the acquisition of two more American banks.

A seasoned bank watcher would normally view such activity with deep suspicion, since acquisitive banks are so often on the short road to ruin. Royal deserves to be given the benefit of the doubt. For a start, none of the acquisitions has been particularly large, and they have all been relatively cheap. Adam & Co is being bought at a 19 per cent discount to net assets.

Royal also has one of the best diversification records of all the British banks. Cit-

izens, the Rhode Island subsidiary, may not produce an astonishing return in absolute terms, but it is far away the most successful American adventure among Royal's peer group. The group's shareholders can therefore rest relatively easy during this flurry of activity.

RTZ

RTZ's treatment of its Nerco acquisition has been as deft as any asset-stripping conglomerate. The \$510 million from the sale of the oil and gas interests was up to \$100 million more than expected, despite the recent oil price slump. Add the \$80 million RTZ should make from the sale of Nerco's gold mines, and it means the group has paid a net \$570 million for a collection of attractive coal mines, on a forward p/e ratio of less than six.

The disposals and RTZ's second enhanced scrip dividend should also reduce the group's gearing to less than a third, compared with more than 65 per cent a few months ago. This gives the group the ability to repeat the trick if the opportunity arises.

THE TIMES CITY DIARY

King emperor omits cheque

INVESTMENT trust executives at Kleinwort Benson have been left befuddled by a bizarre application for shares in the firm's new Emerging Markets Trust. A 24-page letter from a certain "Mr King Emperor" Mohammed A. Mughal of St James's Palace off the Mall, president of the House of Parliament, 10 Downing St, and first president of the planet in every country, wished to apply for the firm's latest issue. The "king" wished to apply for 8,652 ordinary shares of £1 each in the trust, which beat its £15 million target to raise £28.2 million in total. "We have 30,000 shareholders, so I guess there are bound to be a few with quirky tendencies," says Simon White, managing director of Kleinwort's investment trusts. "Clearly Mr King Mughal is someone with a pretty advanced sense of humour. But unfortunately, the king did not enclose a cheque."

On the prowl

UBS, the Swiss-owned stockbroker that recently excised Phillips & Drew, out of its name, has armed itself with a new team of cost-cutters. Under review are the sums spent on one of the buzz-words of the last decade: information technology. But UBS insists job cuts are not on its agenda. Says one source: "It's more a question of being sensible and using three machines where one could do. Staff have been asked to be co-operative with the review

team." UBS believes that overall savings of up to 20 per cent might be achieved from the exercise.

German bull

BARTHOLOMEW von Ribbentrop has stepped down as head of Deutsche Bank's worldwide securities business. After 22 years with Germany's biggest commercial bank, von Ribbentrop, the 52-year-old son of Hitler's foreign minister, is setting up a fund with initial assets of DM500 million to bolster foreign investment in medium-size German companies. With two German partners and a US buyout firm now likely to join him, von Ribbentrop has yet to decide a name for his new venture, which hopes to persuade 20 investors to put up DM25 million each. The fund would seek majority equity stakes in four to five companies with annual sales between DM250 million and DM 500 million. "I'm very bullish on Germany."



"Judging from her current account, definitely a red."

You are investing in German management skills and knowledge of the East," says von Ribbentrop, who until 1986 was chief executive of Deutsche Bank in New York before returning to Frankfurt.

Pall of smoke

PAUL Burgin, of Abbey National's press office, shows such enthusiastic cigarette consumption in his off-duty hours that journalists could not help but guess at a connection between his recent move to Polhill Communications and the strict no smoking policy recently imposed by the Abbey. Not so, Burgin assures me, pointing out that Polhill, too, is a smoke-free zone. "It doesn't bother me," he says bravely. "I tend not to smoke that much during the day and catch up later." But he says he will probably have to nip out of the office a couple of times a day for restorative nicotine between working on the Citibank account and may be doing "a little bit of pitching" for business from his ex-bosses at the Abbey.

Anxious buyers, including the buyout specialist Kohlberg Kravis Roberts, paid almost £900,000 per hole for a series of premier golf and country clubs formerly owned by collapsed American US savings and loans associations. The \$400 million paid for clubs with 315 fairways is thought to be a record, and a price so high that a team including the son of Ross Perot, the megabuck former US presidential candidate, dropped out of the bidding.

MELINDA WITTSTOCK

BUSINESS LETTERS

Understanding pensioners' plight

From Mr R.E.B. Atkinson
Sir, Your correspondent Joan Seed (July 14) complains that her income has fallen dramatically with interest rates while company directors pay themselves ever more out of shareholders' funds. She has identified the evil of modern capitalism — shareholders cannot control corporate executives with trade union like views of their own value. However, she has, understandably, not grasped that interest income (after tax and inflation) is higher today than when interest rates stood at 15 per cent.

Like all pensioners, your correspondent will for years have been spending her capital without realising it. This is because government makes no allowance for inflation when taxing interest income.

If a pensioner receives 7 per cent interest, he will probably

pay 1.75 per cent in tax and spend the remaining 5.25 per cent. In fact, he should put 2.8 per cent (today's inflation) back in the bank to compensate for the ravages of a year's inflation, leaving a mere 2.45 per cent to spend. However, he does not, and his capital and real income wither away.

If corporate executives and trade unionists had to provide and maintain the capital from which they demand ever larger salaries, they might appreciate the plight of the pensioner. And if government had understood my pamphlet *Real Interest* (available at Conservative Central Office), they might long ago have legislated to help Joan Seed and her fellow pensioners.

Yours etc.
RODNEY ATKINSON,
60 Ashbourne Court,
Woodside Park Road, N12.

THE TIMES UNIT TRUST INFORMATION SERVICE

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LAW

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The priest and the extra bill

Mark Nadel shows how a loophole in consumer protection can leave some people open to being duped

Father Thomas Meagher signs contracts as part of his normal duties in running a church. He had been supplied with a photocopier on a lease agreement for a number of years. When his supplier changed its name he was asked to sign new paperwork on what appeared to be more favourable terms.

He was happy to sign, since, like some of his supplier's other customers in the Reading area of Berkshire, he accepted their claim that the change in paperwork was necessary when a company changed its name.

Shortly after signing the new document, Father Meagher was approached by a finance company with a virtually identical name to that of his supplier and asked why he was not continuing payments on his contract.

Until this time, he had not realised that a third party was involved in the contract.

After seeking advice, Father Meagher learnt that he had signed a lease agreement with a third party finance company. He was expected to make two sets of payments for the same equipment or face legal action from the two finance companies. The total amount they were claiming was £40,000.

Contracts for leasing photocopiers and other office equipment are often complicated, leading many inexperienced customers to rely on the supplier's explanation of the terms.

The law at present enables "consumers" to defend legal action such as that taken against Father Meagher.

But most customers who sign office equipment contracts are not considered to be "consumers".

Customers who believe that they have been misled into signing a contract should be able to claim misrepresentation, entitling them to cancel the contract. However, in order to rely on a misrepresentation to cancel a contract, it must have been made by the contractor or his agent.

Some finance companies do not negotiate the contracts themselves and their contracts are carefully worded to ensure that their suppliers cannot be regarded as their agents.

Although consumer law gives ample protection to customers who have signed contracts based on misrepresentations, "business" customers such as Father Meagher have less protection.

The Consumer Credit Act 1974 makes the supplier-negotiator the agent of the finance company.

This means that the finance company is bound by the supplier's misrepresentations. However, the act applies only to "consumers" who appear to be defined as individuals, major law firms, international accounting firms, leading architects and any unincorporated firm. One might expect a big law firm to need less protection from suppliers than a priest.

Customers such as Father Meagher who do not sign their contracts as "consumers" have little protection under current legislation. Therefore the success of any attempt to bind the finance company to the supplier's misrepresentations



Victim of inexperience: Father Thomas Meagher outside his church

er's misrepresentations normally depends on the interpretation of existing case law on the subject.

Finance companies have relied on the 1968 House of Lords ruling in *Branwhite v Worcester Works Finance Limited*, which states that the dealer who negotiates a hire purchase agreement is not to

ment agreements, customers such as Father Meagher believe that they are signing a contract with the negotiator. The level of sophistication of such contracts and the activities of the supplier means that this 1968 ruling is not really relevant.

Current case law may be waiting to be toppled, but many of the victims such as Father Meagher are unlikely to have the finances to fund a test case.

Legislation may be the only solution to protect the small businessman, charity worker or church official.

Current legislation protects business customers from one type of misrepresentation made by the finance companies: suppliers' claims of "suitability of purpose" about the machine.

Under Section 9 of the Supply of Goods and Services Act 1982, the finance company is directly liable for claims made by the supplier about a photocopier's ability to produce 20,000 copies a month. It seems clear that the

One might expect a big law firm to need less protection from suppliers than a priest

be regarded implicitly as the agent of the finance company. Unless the contract signed by the customer states that the dealer is an "agent", he is not an agent. Naturally, office equipment contracts do not make any such statement.

In 1968, anyone buying a car from a car-sales garage knew that they were financing the agreement via a third party. In modern business equip-

ment agreements, customers such as Father Meagher believe that they are signing a contract with the negotiator. The level of sophistication of such contracts and the activities of the supplier means that this 1968 ruling is not really relevant.

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Bribing English judges? You cannot be serious

CONFIRMATION by the attorney-general that the police have been investigating an alleged conspiracy to bribe the trial judge in the Asil Nadir case is another extraordinary development in that saga. The attorney-general has said there is no evidence that even begins to suggest that either the judge or defence counsel were involved in any such plot. They were not questioned by the police about the matter. This is hardly surprising to lawyers who know Mr Justice Tucker and Anthony Scriven QC.

Addressing the topic in general terms, it is difficult to see how any defendant could seriously believe that an offer of money to a judge in this country could possibly result in other than further criminal proceedings, and damaging consequences for the pending trial. George Orwell described the English judge as someone "whom nothing

An unsuccessful attempt at bribery led to contempt proceedings against Thomas Martin in 1747 after he wrote to the judge, mentioning his case, "and enclosing a bank note for £20, which he thereby desired his Lordship's acceptance of". In 1832, a defendant in an action before Baron Alderson sent the judge £10. The judge responded that he intended to inform the attorney-general, but was persuaded by counsel that the offence had been the result "rather of ignorance than of crime". As Henry Cecil remarks in his fascinating study of judicial corruption, *Tipping the Scales*, "presumably the ignorance referred to was ignorance of the fact that bribery of judges had ceased long before".

In his foreword to Cecil's book, Lord Devlin recalled that "in the 1930s a member of the Bar succeeded in persuading his client, an eminent financier on trial at the Old Bailey, that several thousands of pounds would persuade the judge to listen more attentively to a plea in mitigation than he would otherwise have done." Financiers are less gullible today.

The worrying truth is that the integrity of our legal system is a relatively recent development and in other countries such an attribute is under severe threat from organised crime. This month's American Bar Association Journal reports that in April, a jury in Miami found two judges guilty on corruption charges. The judges had accepted bribes in exchange for reducing bail terms, returning seized property and suppressing evidence. Another co-accused judge pleaded guilty in 1991, and is now serving a 12-year prison sentence. Five defence lawyers await trial on linked charges.

A number of other American judges have been removed from office in the past few years because of corruption. In one case in 1991, a federal district judge was convicted of accepting a bribe to reduce the prison sentence of a drug smuggler. Marked bank notes were found by the FBI in the judge's wallet and in his office.

In its statement of rabbinical law, the Talmud wisely asserts that "a judge who accepts bribes brings terror into the world". Any such crime would be so damaging a pollution of justice that an attempt to corrupt a judge would inevitably meet with very severe penalties. The importance of the issue justifies the call by Mr Scriven for the attorney-general to ask a High Court judge to look into the circumstances in which this matter was raised in the Nadir case.

● The author is a practising barrister and a Fellow of All Souls College, Oxford



COUNSEL
DAVID
PANICK QC

In fact, corruption, and attempts to bribe judges, have infected our legal system on occasion since the end of the 12th century.

Edward I appointed a commission of enquiry into judicial corruption in the late 13th century. It resulted in the dismissal of two out of three judges of the Court of King's Bench and four out of five judges of the Court of Common Pleas. Sir William de Thorpe, Chief Justice, was convicted of accepting bribes in 1350 and removed from office. Lord Chancellor Bacon suffered a similar fate in 1621.

A year later, Sir John Bennet, a judge of the Exchequer Court of Canterbury, was convicted of corruption, which most unwisely included taking bribes from both sides in a case. He was fined £20,000 by the Star Chamber, imprisoned during the King's pleasure and disqualified from holding office for life. In 1624, at the request of Sir John's mother-in-law, the King granted him a pardon from all the penalties except the fine. In 1725, Lord Chancellor Macclesfield resigned after being convicted of selling offices in the Court of Chancery.

No rent boom at the Inns

Lawyers are fighting high charges, says Frances Gibb

A significant blow was dealt last week to the power of the four Inns of Court to levy what many lawyers consider exorbitant rents. A small firm of solicitors successfully challenged the trustees of Gray's Inn over a proposed rent of £40 a sq ft for their offices.

The test case, keenly watched by hundreds of barristers, solicitors and patent agents who work in the four Inns, the heart of legal London, was brought by Howletts, a small firm. Mounted under the Landlord and Tenant Act 1954, the move is the first to contest the trustees' "open market" policy. Howletts started legal action when it faced a proposed rent for its new lease on premises at 13 Gray's Inn Square, of



Battle ground: Anthony Baptist at his Gray's Inn offices

£41,850 (up from £15,000). In the light of rent levels now found outside the Inn walls, of as little as £11 a sq ft, it said £12,780 was the right figure.

But Howletts' action was not just about the firm's own rent. It struck at the root of the whole policy applied by the Inns in recent years. In the 1980s, amid widespread con-

trovery, the Inns abandoned the heavy rent subsidies they had provided and moved towards commercial rents.

With the recession, rents outside the Inns generally plummeted by about 66 per cent. Yet the Inns' rent levels have stayed high. Howletts contests that in the current market Gray's Inn no longer

operates "open market" rents but in effect an artificial market of its own. Such is the level of Inns rents that there has been an exodus to premises outside, and many barristers' chambers have moved to locations such as Doughty Street, The Strand, Bedford Row and Fleet Street. Outside, too, they can find premises more suited to the modern chambers run on business lines with new technology.

Delivering judgment on July 9 at Clerkenwell county court, Judge Aaron Owen said of barristers leaving the Inns: "What began as a mere drop, which then became a trickle, is now quite a respectable stream. It could be a disaster for the Inns if that stream turned into a river."

However, the victory for Howletts was only partial. The judge awarded the firm a cut in the rent proposed, from £41,850 to £27,000, but rejected the argument that Gray's Inn did not operate "open market" principles in setting rents.

"Market forces are operating," the judge said. "There is a supply outside the Inn of accommodation superior in modern facilities and at lower rents. The Inn operates within that market." He also rejected arguments that barristers were disadvantaged by their "special relationship" with the Inn, although he said "it may be significant" that solicitors, not barristers, had brought the case.

The firm is considering appealing and possibly raising a fighting fund. In Lincoln's Inn most tenant-barristers have secured a 6 per cent rent cut but say this is not enough. Discussions with the Inn are continuing. Anthony Baptist, senior partner of Howletts, said: "We are relieved that the rent the judge found payable was far less than the level demanded by the Inn. But we're disappointed that he found the Inn operated open market principles. We feel strongly that they do not. There are now considerable numbers of vacant offices in the Inn... I think that, increasingly, people will say, 'Enough is enough' - is it worth our staying?"

● Inns & Outs has been held over for space reasons.

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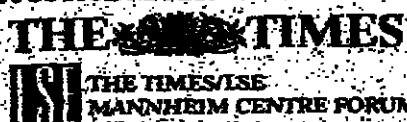
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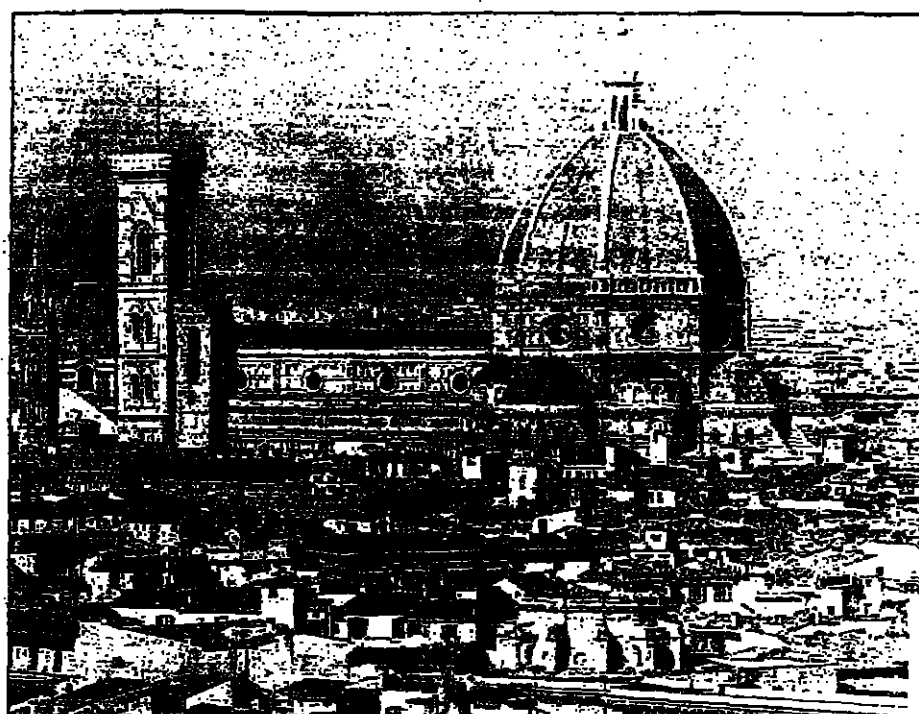
In St Petersburg last year, lawyers, accountants, tax advisers and other members of the professional firm network, Eu-lex, were addressed at their autumn conference by Anatoly Sobchak, the mayor and president of the Association of St Petersburg Lawyers. Mr Sobchak urged the audience not to write off his country because of its political turmoil. People should be prepared to invest and should have faith in Russia's business community.

This year, Eu-lex members met in Florence, where they were addressed by Marco Pizzini, a businessman and national representative of the Italian Federation of Business Enterprises. The parallels between the two speeches were striking. Signor Pizzini argued passionately that despite the corruption among his country's politicians, its business community will continue to thrive. Don't give up on Italy, he said.

The similarities did not end there. The mayor of St Petersburg mentioned Italy in his speech. Russian people may try to get out of paying tax, he said, but they were nowhere near as bad as the Italians. In Italy, there are plenty of taxes to try to avoid. Marco Lombardi, a Florence-based tax adviser (and friend of the actor-turned-entrepreneur, Signor Pizzini), says that the new tax laws are introduced in Italy every month.

Ariel Nason, of Lawrence Jones, the City solicitors, who is Eu-lex's deputy secretary-general, says personal contact between members is at the core of the group's thinking. New members will be admitted only if they attend one of its twice-yearly conferences. Eu-lex aims to increase understanding between different jurisdictions. She says: "Little things, like knowing when to call people. If you phone someone in a German office at 3pm, everyone will have gone home. If you phone an Italian office at 3pm, they'll all be at lunch."

Members need to know immediately the right questions to ask in a cross-border legal crisis, she says. Eu-lex's function has been likened to a scene in a Peter Sellers film. Inspector Clouseau asks a man: "Does your dog bite?" When he is told, "No", Clouseau proceeds to stroke the dog, which bites him. "That's not my dog," explains the man with a shrug. Miss Nason comments: "With greater understanding, it means you know to ask, 'Is this your dog?'"



Florence, where Eu-lex held one of its twice-yearly conferences for building European ties

There is certainly plenty of scope for misunderstandings. Carlo Mastellone, an Italian lawyer, told delegates that "proceedings that may easily be won in other countries can easily be lost by the same parties in Italy" because of Italian rules of procedure and evidence.

In the Italian civil courts, he explained, all pleadings are in writing, there is no jury, no oral trial and only rarely an oral discussion between the lawyers in court. Parties to litigation cannot be heard as witnesses, there is no pre-trial discovery and the parties cannot use affidavits.

The surprises were not all one way. Signor Mastellone was worried by another panel member's suggestion that in German law, in some situations, you could be deemed to agree to the terms of a contract unless you expressly let the other side know that you do not consent.

He said: "As an Italian lawyer, I'm relieved to say that in Italy silence does not constitute consent." For some delegates the informal side of Eu-lex's conferences was equally useful. Jonathan Chadd, of Leathes

Prior, a Norfolk law firm, said that personal contact was essential for smaller firms. When he worked at Norton Rose, he could probably phone any firm anywhere and expect good service. "But if I phoned a big Italian firm now and said 'I'm from Leathes Prior, well...'"

Andrew O'Rourke, partner at Hayes & Sons, a Dublin-based law firm, agreed. "It means that you ring an individual rather than a firm," he said. "You get a better service. Rather than having to explain, 'I'm so-and-so, from such-and-such', you ring up and say 'Hello Carlo, how's it going?'"

Inland Revenue's defeat opens the floodgates

THE Inland Revenue last week met its Waterloo in the Court of Justice, Luxembourg, in a case running since the 1970s involving Commerzbank, a German bank. The case has opened a Pandora's Box of claims throughout the European Community as national treasuries come to regret the Revenue's refusal to bite the bullet on poor drafting in a 1966 double taxation treaty.

In 1987 the special tax commissioners found that Commerzbank, represented by S.J. Berwin, could claim tax exemption by relying on a US-UK double taxation treaty. They refused, however, to permit Commerzbank to have its cake and eat it. Commerzbank benefited from the

tax loophole because it was not UK resident. For the same reason, it would not be allowed interest on the tax paid 14 years before.

On the case rumbled, interest accruing. On to the High Court, on the question of both the double taxation treaty exemption and Commerzbank's claim to interest. On the day of the judgement, the Revenue delivered the principal sum to the bank, but not the interest. The

matter passed down the corridors of S.J. Berwin to its EC department. It seemed that EC law would also come to the aid of Commerzbank because the UK statute's residency requirement was against the fundamental principle in the Treaty of Rome banning discrimination on a nationality basis.

The Revenue did not want to fight this. Many reliefs in UK and other EC tax legislation are granted only

to residents. So it conceded that discrimination on the basis of residency amounted to discrimination on the ground of nationality. It claimed Commerzbank should not be allowed to benefit twice. No UK bank would have been able to benefit from the double taxation treaty, so there was no discrimination.

When this question of EC law was referred to the European Court of Justice, the court was clear. The

matter concerned compensation. Irrespective of the origin of the right to compensation, it should be available to all EC nationals, not just UK residents.

The Revenue's worst fears came to pass. The court found that discrimination on the basis of residency was a form of covert discrimination on the basis of nationality. Thus, the floodgates are open. Now this principle has been established by the European Court, it is unlikely that matters will end there. Both the Inland Revenue and other EC tax offices are bracing themselves.

BERNADINE ADKINS
The writer is a solicitor for S.J. Berwin & Co.

Firms follow the big money



David Lough: his brainchild

the service offered by Cripps Harries Hall.

From a staff of four, Mr Lough's team has grown to 20 and the finance and investment services division is now responsible for 20 per cent of the firm's revenue and what is described as "a substantial part of its profits".

Meanwhile, other firms had been pursuing a similar path. Most are well-established, medium-size firms in provincial towns rather than big regional centres. They have solid reputations and the credentials to win the confidence of the well-heeled. Informal soundings by Mr Lough produced interest

from outfits such as Thomas Eggar Verall Bowles in Chichester, Blake Laphorne in Portsmouth and Shakespeares in Birmingham. The result was the meeting earlier this month (attended also by a Law Society representative).

The association is now a force to be reckoned with. It is calculated that between them the founder firms have about £500 million of investment to manage. Though some of that total comes from corporate pension schemes, most is from individuals.

Mr Lough said: "Cripps's strongest niche is with portfolios of up to £500,000, the area that many private client broking organisations decided, in the aftermath of Big Bang, was too small and unprofitable to bother with."

Under the association's auspices, Mr Lough and his colleagues hope to build a solid movement of investment advice and management within law firms rather than see it trickling constantly away to stockbrokers. But to do this demands a professional and dedicated service. Part of the association's purpose is to set standards and to encourage law firms to put investment services on a solid footing.

We have three grades of membership: full, associate and candidate — depending on the level of expertise within the firm. We want to encourage firms to recruit and train people in the skills needed to provide the highest level of professional service."

One of the biggest problems facing development of this area is the intolerance by lawyers of non-lawyers acting as equals within their firm. The lawyers are expected to act as the sales force for the investment managers. And while the financial experts can never, in the absence of legal qualifications, be classed as full partners, they need to be treated as such for a relationship to blossom.

So far Cripps Harries Hall has succeeded by building on established individual relationships. But as Mr Lough concedes, "The challenge of recruiting a suitable business leader and investment manager... can be formidable."

EDWARD FENNELL
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Duty on officer to ask about domestic violence

Regina v Greenwich London Borough Council, Ex parte Patterson
Before Lord Justice Neill, Lord Justice Nolan and Lord Justice Evans
(Judgment July 16)

Where a local authority was minded to refer an application for accommodation by a homeless person to another authority under section 67 of the Housing Act 1985, the referring authority was under a duty before concluding that section 67(2)(a) was satisfied, to ask the applicant whether she would run the risk of domestic violence in the district of the other authority. Failure to make the necessary enquiry would entitle the applicant to have the decision set aside in judicial review proceedings.

Where the applicant in such proceedings had exceeded the time limit imposed by Order 53, rule 4(1) of the Rules of the Supreme Court 1968, the court would not set aside the decision for the purposes of section 31(6) of the Supreme Court Act 1981, the court which decided the application for judicial review had to consider and apply the two statutory provisions separately. If there was good reason for the delay, the court should extend the period for making the application and then consider whether as a matter of discretion to refuse relief if substantial hardship or prejudice to the rights of third parties

would be caused or the interests of good administration harmed. The Court of Appeal so stated allowing an appeal by the applicant, Diane Patterson, and dismissing a cross-appeal by the local authority, the London Borough of Greenwich, from the decision of Sir Louis Blom-Cooper, QC, sitting as a deputy Queen's Bench judge (The Times May 27, 1993) who had held that the applicant had established grounds for setting aside the decision of the local authority but that no relief should be granted because of the delay before she applied for judicial review.

In August 1991 the applicant, who was living in temporary accommodation at Shooters Hill provided by Greenwich, applied to them for accommodation as a homeless person. By a decision dated September 6, 1991 they referred her application to Birmingham City Council under section 67 of the 1985 Act. On June 25, 1992, Greenwich obtained an order for possession of the Shooters Hill flat and applied on November 20, 1992 for leave to enforce the possession order. That application was adjourned pending Miss Patterson's application for judicial review of the decision of September 6, 1991.

Mr Simon Dempsey for the applicant, Mr Terence Gallivan for the local authority.

LORD JUSTICE EVANS said

that the substantive issue raised by the cross-appeal was whether the local authority's decision of September 6 should be set aside. Section 67(2) set out the three conditions for referral of an application to another housing authority.

Applied to the present case, those were: (a) that the applicant had no local connection with Greenwich; (b) that she had a local connection with Birmingham, having lived there since the age of three; and (c) that there was no risk of domestic violence if she was housed in Birmingham. The applicant accepted that conditions (a) and (b) were satisfied.

The court was concerned with the decision-making process rather than the merits of the decision itself. It was agreed that while the applicant had made no reference to any risk of violence from her former boyfriend who was the father of her child, neither did the case-worker involved ask her any questions specifically directed to the issue.

Could the local authority properly decide that there was no risk of domestic violence when there was no specific information before them to the effect that such a risk did exist? Section 62 of the Act specifically provided that the authority "shall" make such enquiries as were necessary with regard to homelessness prior to deciding whether to refer the case, whether the homelessness

was intentional or not, and also whether the applicant had a local connection with another authority. There was no express reference to making enquiries with regard to the risk of domestic violence, but clearly, in his Lordship's judgment, some duty to make enquiries before reaching the decision required by section 67(2)(c), even if only by means of asking the applicant herself, must exist.

The authority was under a duty to make such an enquiry and the decision of September 6, 1991 could be set aside for failure to carry it out. The cross-appeal should be dismissed.

The applicant's appeal was on the issue of delay. There were two restrictions on the court's power to order judicial review where the application had been delayed. Each had its own statutory base. The first was Order 53, rule 4(1) which provided that an application for judicial review should be made within three months from the date when grounds for it arose unless the court considered that there was good reason for extending the period.

The second was section 31(6) of the 1981 Act which provided that where the court considered that there had been undue delay in making an application for judicial review, the court could refuse relief if it considered that the granting of the relief sought would be likely to cause substantial hardship to, or substantially prejudice the rights

of, any person or would be detrimental to good administration. The effect of the House of Lords' judgment in *R v Dairy Produce Quota Tribunal for England and Wales, Ex parte Cassell* (1993) 1 WLR 1089, was that the court which determined the application for judicial review, where the applicant had exceeded the time limit imposed by Order 53, rule 4(1) and was therefore guilty of undue delay under section 31(6), had to consider and apply the two statutory provisions separately, although the effect in practice would be that both might lead to the same conclusion.

The question under Order 53, rule 4(1) was whether there was good reason for the delay; if so, the court might, or perhaps must, extend the period for making the application accordingly. Even if it did, the court as a matter of discretion might refuse to

grant relief if substantial hardship or prejudice to the rights of third parties would be caused thereby, or the interests of good administration harmed. Section 31(6) specified circumstances in which relief might be refused. Order 53, rule 4(1) imposed time limits and specified the circumstances in which the limits might, or must, be extended. In his Lordship's judgment the applicant did show "good reason" within Order 53, rule 4(1) and the case was not one where relief should be refused under section 31(6).

Alternatively, if the statutory provision required one overall exercise of discretion, then the applicant should be granted the relief to which she was otherwise entitled. Solicitors: H. E. Thomas & Co. Woolwich; Mr David Addison, Greenwich.

Value judgments not required

Regina v Tower Hamlets London Borough Council, Ex parte Hoque

The function of a local authority's homelessness officer interviewing an applicant for accommodation on his reason for being homeless was to record what he had discovered about the applicant, not to make value judgments about the

applicant's behaviour. For an officer to comment on the applicant's conduct was invariably to breach his duty to treat the applicant sympathetically in accordance with rule 4.4 of the code of guidance issued under the Housing (Homeless Persons) Act 1977 for dealing with persons facing impending homelessness (Department of Environment Circular No 116/77).

Sir Louis Blom-Cooper, QC, so held sitting as a deputy judge of the Queen's Bench Division on July 13 granting an application by Badrul Hoque for judicial review of two decisions by Tower Hamlets London Borough Council that he had intentionally become homeless.

Unfit as witness through mental capacity

Regina v Seta-Dempsey

The words "unfit to attend as a witness" in section 23(4)(a) of the Criminal Justice Act 1988 applied not only to a person's physical ability to attend at court but also to his mental capacity.

The Court of Appeal (Lord Justice Beldam, Mr Justice Auld and Mr Justice Scott Baker) so held on June 22 in allowing an appeal by Jonathan Patrick Seta-Dempsey and Ronald William Richardson against their convictions in February 1993 at Chichester Crown Court (Judge Wintmore and a jury) of theft and handling stolen goods respectively contrary to the Theft Act 1968.

LORD JUSTICE BELDAM said that owing to mental illness an important witness was unable to recall the relevant events, even after refreshing his memory from statements he had made.

The prosecution applied for leave to read those statements, contending that they were admissible under section 23 of the 1988 Act. Having heard evidence from a doctor that the witness was unable to recall events in a logically coherent way, the judge ruled that by reason of his mental condition he was "unfit to attend as a witness" and allowed his statements to be read.

On appeal, it was submitted that because the witness had gone into the witness box it could not be said that he was "unfit to attend as a witness" but it was obvious that the words of the section were not intended merely to apply to physical acts of getting to court.

Their Lordships were satisfied, however, that the doctor's evidence had undermined the quality of the evidence, contained in the statements and they could not have fairly been admitted.

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THEATRE page 34

Tony Doyle in Billy Roche's latest play, *The Cavalcaders*, premiered and set in Wexford

ARTS

MUSIC page 35

Stylish face of chamber music: the Kronos Quartet prepare for their Barbican festival

Follow the signs to Australia's heart



Handing on their traditions: Marie Gibson with examples of her work (top left); Joseph McIvor painting at the Laura Festival (above left); Aboriginal children, tutored by their elders, make a painted banner at the Laura Festival

There must be a point when Aboriginal artists cease to be "the first Australians", and become just Australians. Non-assimilation has its continuing problems — but assimilation has, if anything, even more. Politicised Aboriginals apparently disapprove of their assimilated brethren rather less than do politicised whites, who frequently seem to feel it is letting the side down. But dealers know that art which is not perceptibly Aboriginal is less saleable than art that is.

Saleability is a difficult issue. If art by Aboriginals should look Aboriginal in order to find its place in the market, there is always the question of how far it is wrong for Aboriginal artists to meet the market halfway. A lot of the Aboriginal art most familiar in Australian cities and abroad is the product of a compromise. If the content is Aboriginal, does it matter if the medium is something — watercolour, say, or oils — that is entirely learnt from the white man? Should the Aboriginal artist, to preserve his integrity, be kept in a time warp where the modern world

and the art market have not happened — if only because it makes "outsiders" who equate preserving the Aboriginal with saving the whale feel more comfortable?

These are complex issues. Too complex, evidently, to be resolved simply by visiting the South Bank Centre's "Aratjara" show, which opens on Friday, part of a "Festival of the First Australians" which includes films and music events. In Australia, one can get a lot of answers, even if these frequently do no more than open up further questions. At my first stop, for example, I entered almost immediately into a curious dialogue with an Australian photographer. The place was Laura, in remote Queensland, where an Aboriginal Dance and Cultural Festival is held annually. This year it was attended by 3,000 people, of whom maybe 600 were not Aboriginals.

At one of the stands, I saw an Aboriginal painter, Joseph McIvor, painting quietly away in traditional style as visitors came and went. Right in front of him on his work table was a notice proclaiming that he accepted all major credit cards.

An exhibition of Aboriginal art opens in London this week. John Russell Taylor went walkabout in the Australian outback to see some of the artists at work

I also saw the photographer taking pictures of him, and afterwards I asked if his pictures would include the credit card sign. Oh no, he said, slightly shocked, that was editorialising, and he would not wish to do it. But surely, I said, leaving it out was also editorialising. Ah well, people would get the wrong idea if they saw this intrusive indication of the modern world of commerce. They would conclude that the artist was not working in the correct immemorial manner, but just churning pictures out for the money.

Useless, clearly, to suggest that this, minus the pejorative connotations, is exactly what he was doing. He was a professional artist earning his living by marketing his art. That is true these days of most known Aboriginal artists. And why not? Admittedly, the concept of the

specialised artist, let alone the professional, did not exist in the original patterns of tribal life. Nor for that matter did media such as acrylic on canvas, which many of the artists in "Aratjara" use with such distinctive skill. Nowadays many Aboriginals make a living as drivers or tour operators or caterers, or in other jobs never dreamt of in the tribe.

Possibly it makes liberals worldwide feel good to think that the Aboriginals are "unspoiled" by the modern world. The reality is different. Take the couple whom I met at my stopping place, Hope Vale, an Aboriginal territory also in Northern Queensland. Len Gibson runs a tour operation which gives people a taste of traditional life in the wild. His wife, Marie, is a professional artist, making paintings of traditional motifs in the non-traditional

medium of coloured sands (the area has an extraordinary variety) mixed with glue on board.

At the same time the effects are simple and exquisite, traditional and contemporary. If it would make purchasers feel better to disregard all the knowhow and imagine that Marie Gibson is a complete child of nature, then there must be something wrong with the criteria of judgment.

My photographer at Laura threw a few questions back at me. One was, if you saw two paintings at the same price, one a perfectly competent, routine work by an Aboriginal, the other by, say, a Dutchman who had lived with the Aboriginals, absorbed their culture, and painted in their style (several white painters have done that), and the Dutchman

seemed more talented, which painting would a dealer be likely to buy? My answer was that I suspected a dealer would buy the Aboriginal's painting, because his customers would probably want evidence of "authenticity".

This suggests the difficulty of responding to "Aratjara". Are we looking at ethnographic evidence of some kind, or looking at art? Both approaches are possible, but the first is much less reliable than the second. Australian experts, especially if they are Aboriginals themselves, tend to look askance at any outsider's attempts to evaluate Aboriginal art, to express preferences, or even suggest that some paintings seem more Aboriginal than others. For them, only description drawing on detailed knowledge of each individual artist's social and political position will do.

But at the other end of the world, such a view is scarcely possible. For Europeans, the first assessment has to be aesthetic. For us it is likely that the landscape watercolours of Albert Namatjira, the first famous Aboriginal artist, are too anaemic to be interesting, and the acrylics of

Trevor Nickolls too reminiscent of Western naïf artists not to verge on kitsch. The degree of aboriginality perceived is largely irrelevant.

On the other hand, most Western observers concur in finding the "pointillist" paintings of dreamings by Clifford Possum Tjapaltjarri and his school (mostly relatives) from the Papunya area of the Western Desert the most compelling. These intricate, map-like patterns of coloured dots embodying traditional images of the humans, animals and places which make up the artist's dreamings can speak very directly to an audience that knows little of his art's background.

One may need to be ethnographically expert to say exactly how Clifford Possum fits into the overall picture of contemporary Aboriginal life. But it is necessary only to use one's eyes to be sure that he is highly individual even within his own family circle, and that he is an artist of world stature.

● *Aratjara* runs from Friday to October 10 at the Hayward Gallery, South Bank, London SE1. 10am-6pm daily, extended on Tues and Wed to 8pm.

ROCK: Louise Gray at a festival Almost all right

Whatever trick of geography caused the organisers to site the first Phoenix Rock Festival close to a village called Woodstock in England's heartland, it was an inspired one. Not to mention successful, despite the occasional outburst of violence. Held on a disused airfield, the three-day festival was packed to its capacity 25,000. Despite its hefty admission price — £49 for ticket and tent pitch — promoter Vince Power showed incredulous observers that Britain is not yet festival saturated.

Representatives of all rock music's diverse tribes were in attendance to catch the hundred-odd bands appearing across six separate stages. On Saturday, punks watched the Buzzcocks fill the 4,000-capacity Zine tent. On Sunday, funk fans flocked to Jamiroquai, Gil Scott-Heron and the Sandals. The rockers had an impeccable line-up to choose from: Sonic Youth, Faith No More and Back To The Planet.

The Disposable Heroes of Hiphoprisy and the Utah Saints captured the dance-orientated revellers. Hippies wandered through the Whirlwind tent, where Tibetan bells chimed to a gentle beat beneath an awning of parachute silks. A gaudy, carnival atmosphere suffused proceedings. Stalls selling everything from Japanese noodles to German army boots did brisk business. Sybil Twinn's Temple Of Unlikelihoods (the tent had mock Corinthian pillars) held an endless drumming workshop. Braver music, attached only to a piece of bungee elastic.

Comper and DJ John Peel best summed up the eclectic sounds on offer: playing every-

thing from country and western versions of Iggy Pop punk songs and choral covers of "Que Sera Sera" to the more predictable sounds of PJ Harvey and the Undertones. The overall ambience was one of relaxed curiosity.

Although Pete Shelley's Buzzcocks retained much of their Seventies material, theirs was a blistering set which combined the energy of punk with a classic attention to pop forms. "Autonomy" and "Fiction Romance" were nothing short of sublime.

The Disposable Heroes fused hard-edged rap with swirling psychedelic feedback. They were followed by Julian Cope who, clad only in yellow knickers, delivered songs such as "Christine" and — to rapturous applause — "World, Shut Your Mouth" with a muscular fluidity. Sonic Youth took the stage as the last rays of Friday's sunset bathed the Phoenix and their brooding rock hung eerily in the air.

Saturday produced some upsets. Jamiroquai, presently the funk toast of Britain, was a predictable success on the Zine stage; but it was galling that Scott-Heron failed to receive the accolades he deserved. For many, the Zine's Sunday triumph lay in the beatnik Sandals, who merged their usual flute and bongos-powered set to a big dance beat. Leaving them for Bjorn Again, the Australian Abba copyists, who were singing "Dancing Queen" on the main stage, proved a wrench.

Faith No More's high-octane rock sound was augmented by an attention to a more syncretic dance beat. Encores stretched into the night. Clearly the Phoenix had left the ashes of the airfield's cinder track far behind.

Ambassador for cynicism

Matt Wolf on New York actor and writer Eric Bogosian, who brings a one-man show to London tonight



Eric Bogosian: A Londoner's idea of a New Yorker?

Yorker: some sort of Lenny Bruce character with black curly hair, cynical and sarcastic. He smiles. "A negative ambassador."

The Bruce comparison recurs often, and it is no surprise to hear that Bogosian has been approached by producer Marvin Worth (*Malcolm X*). Bruce's one-time manager, to star in a Broadway revival next year of the 1971 play, *Lenny*, Bogosian declined the offer but the analogy intrigues him. "Lenny's a good reference point to keep going back to, even if he's not necessarily where I'm leading or even

where my influence came from. Twenty years ago he was this counter-culture hero who to irresponsible brains like myself was the cat's meow because he did drugs and swore. But that's not the point. What was good about Lenny were his notions of freedom of speech, his style, his technique. He was black and white and stark and laser-sharp; I'd love to be all that."

If Bogosian sometimes sounds like he stepped out of a play by David Mamet, his background is in fact suburban New England, where he grew up in Woburn, Massa-

chusetts, the grandson of Armenian immigrants. As he recalls it, acting began less as a hobby than as a salvation: "I wasn't headed anywhere. I was this guy who talked a lot and was geekish. Then I did some acting in high school and I realised this is what you do, you act; this is what you're good at."

At Oberlin College in Ohio his roles stretched to Büchner's *Woyzeck*, but Bogosian resisted the assumption that he would "join some regional theatre group and do Chekhov". Instead, he moved to New York and knocked around, finding an adoptive home at the late Joseph Papp's Public Theatre. In 1987, he premiered *Talk Radio* there, a full-length, full-cast play in which he wrote for himself the part of abrasive radio host Barry Champlain. Oliver Stone's low-budget film version followed and "suddenly everything was moving very fast: things were happening without my looking for them."

Bogosian has another full-length play primed for off-Broadway, as well as a screenplay based on Stephen Fried's biography of Gia Carangi, the lesbian supermodel who died of Aids. But the solo work continues to appeal. "I need to perform, which is something I didn't always recognise in myself."

"I have a friend who says your performance should just be a mike on the stage; you walk out, pick up the mike, talk for an hour and a half, and walk off drenched with sweat leaving the audience blown away. If you can do that, you've done it," he says. "I'll never get there, but I'll try."

● Eric Bogosian opens at the Almeida (071-359 9404) tonight at 8pm. Continues until Saturday

DANCE REVIEW: John Percival Finally, in full

No doubt about it, La Bayadere would have been the best choice to open the Kirov Ballet's London season at the Coliseum: one of Petipa's greatest creations, showing this company's qualities at their strongest, and never until now seen here in anything like so grand, spectacular and complete a production.

Petipa set it in the Indian background that enthused writers at the time of its creation (1877), but he grounded it in exotic, artificial story in strong, dramatic and timeless characterisations. The Maryinsky company cherished its jewel carefully, but it remained unknown outside Russia until just one scene, the romantic vision called the Kingdom of Shades, was featured during the Kirov's first western tour in 1961.

The St Petersburg company still dances that scene superbly. No other company today matches the thrilling sight of those 32 women in white tutus defending their double ramp in perfect arabesque after perfect arabesque (they represent ghosts on the slopes of the Himalayas), then spreading their inspired patterns across the full stage. Don't dare insult them with talk of a disciplined corps de ballet: this is a unique assembly of artists, breathing with one breath, listening with inspired ears to Minkus's seductive music.

The production not only gives that scene its full complement of dancers and its full choreographic effect; it shows the events leading to this with a fullness and richness missing from Covent Garden's present, supposedly complete but drastically trimmed down version by Makarova.

There are exuberant, colour-

ful dances never seen here before, and others which the Royal Ballet does only in truncated form. A vast procession (complete with an artificial elephant for Solor to ride in triumph) gives his betrothal to the Rajah's daughter its proper pomp. The original designs, reinterpreted and restored only last year, give the spectacle depth and grandeur.

We know, from her guest appearances at Covent Garden, that St Petersburg has a marvellous Nikiya in Alimiyai Asymurmatova, but with her on maternity leave, the first night went to Yulia Makhalina. Hers is a colder, harder image; the astonishingly slender, extended torso stretches into striking shapes, the hands add a tracery of detail. Vividly voracious in the dance leading to her murder, she is emotionally limited elsewhere, but physically it is an amazing performance.

Olga Chenchikova, a strong if somewhat mature rival to Makhalina as Gamzatti, also dances Nikiya but that role suits her less well nowadays; the better alternate cast is Zhamera Ayupova, a touching and delicate dancer and a strong actress. With Irina Chistyakova matched against her as a proud but vulnerable Gamzatti, their confrontations really spark off a blaze of passion.

Konstantin Zaklinsky makes a convincing Solor with Makhalina as Gamzatti, detailed acting, superb partnering and well-paced dancing. But Igor Zelensky with Ayupova is a real marvel: immense power sends his body soaring wonderfully through the solos, like a great cat leaping; for once, a hero whose claim to have slain the tiger is credible.

THEATRE: Benedict Nightingale on the latest play by Wexford's Billy Roche

Last call at the old cobblers

The Cavaliers
Peacock, Wexford

Facing the inevitability of change, from left, Billy Roche, Barry Barnes, Gary Lydon and Tony Doyle

BILLY Roche continues to dedicate himself to the proposition that small is large or, more precisely, that obscure lives can take on sweeping significance. To date, he has set his plays in a Wexford pool hall, a Wexford betting shop, the bellary of a Wexford church, and outside a Wexford canning factory; and each time the dramatist has brought heart and humour to a quintessential 20th-century subject, the search for community and human wholeness in a world where, as the main character of *The Cavaliers* says: "It's all breaking up, all coming apart."

And where has he sited what is, surprisingly, the first of his plays to get its premiere in his native Ireland rather than in London? Given his knack for making much of little, it could be a look-up garage, dovecote, telephone box or whiskey still. In fact, there are piles of moulder shoes above the ancient iron machinery and dowdy grey counters beside which *The Cavaliers* occurs. One of Wexford's more traditionalist cobblers is preparing to become another glossy high-street shop, giving Roche a striking setting in which to demonstrate again that he is the subtlest, delectable talent to have emerged this decade on either side of the Irish Sea.

Despite bumps in the structure and holes in the characterisation, he does just that. Apart from anything else, he has written a role for that formidable actor, Tony Doyle, who leading men will be tumbling over each other to play in the years to come. This is Terry, a master-cobbler who was deserted by

his wife for his best friend 20 years ago and finds what solace he can in his close-harmony goings-on. Terry, a cobbler, and in the end, offhand affair. We see instances of each: Terry lolling about in his comfy red jacket, crooning out antique hits; Terry canoodling with Nuala (Aisling O'Sullivan), the vulnerable, troubled girl from the shop next door or with Breda (Marie Mullin), who is older, surer of what she wants, and better able to get it.

The *Cavaliers* does not survive. Nor, sadly, does Nuala. Her destruction begins with as painful a scene as Roche has written, one in which post-coital tristesse rapidly escalates into a snub of frightening cruelty. It is impossible not to be moved as

O'Sullivan artlessly fishes for love-talk, only to get back the verbal equivalent of a black eye. Nor could anybody fail to be chilled by Doyle's portrait of a bitter, aloof man, walled off with his jealousy and self-pity, yet unceasingly aware he is turning into a monster. The Wexford accents can strain an English ear, especially one struggling with the play's chronological derring-do. Nor has Robin Lefevre, who directs, altogether solved the problems posed by short, sometimes choppy scenes that hop and skip over the years.

Also, several characters need more attention. Gary Lydon and Barry Barnes play two best friends whose bust-up parallels the one that still

obsesses Terry. Billy Roche himself puts in a brisk, breezy appearance as a cobbler sustaining his spirits as he battles with cancer. But I would have liked to have learnt a bit more of their backgrounds, wants, fears and reactions to disaster.

Still, Roche's plays tend to yield up more and more secrets the more often you see them. In any case, there is already plenty happening on and under the surface. How many dramaticists could put just two words into a woman's mouth, "Jesus, Terry!", and leave you feeling they sum up a couple of misspent lifetimes? How many consistently manage to be witty, melancholy, ironic and poignant all at once? In 1993, only Billy Roche.

LONDON FRINGE: Jeremy Kingston on two unusual and very different American imports

Loads of exotic fun

Brother Truckers
Drill Hall, WCI

THE trumpets bray, strings surge, there is menace down in the percussion; the black curtains sweep aside and we are looking in on the bedroom of Lech (Grant Neale), a trucker, as he is roused from sleep beside his muscular girlfriend, played by the author, Georg Osterman.

The problems of the trucking business play a modest part in this latest work from New York's Ridiculous Theatrical Company, but you know and I know that in all likelihood the title came first. It has a sturdy ring to it, does it not? I think so too. The audience took a moment or two to adjust to such jokes as the strain of staying up all night, but from the entrance of Everett Quinlan, who also directs, the evening is made.

As Lyla Balskin, reluctant wife of a trucking magnate, who still holds a candle for the scornful Lech, Quinlan smokes, kisses and spins his way through Osterman's absurd plot, abusing his hapless rival with a succession of wicked one-liners — gamely supplied by the author, who is their chief victim — and pushing those who stand in the way of true love into a convenient garbage-mulcher before going theatrically, ridiculously mad.

Nobody can pitch an iccube into a

glass with more contempt for human existence, nor more adroitly duck a blown kiss from someone detestable. In the art of perfecting a camp performance, crispness is all, and Quinlan's delivery, hand gestures and furious double-takes are as crisp as the finest water. Joan Crawford, Bette Davis, Ida Lupino are obvious models here, but with his sardonic expression and barbed tongue he could be the unholy fruit of a liaison between John McEneaney and the Wicked Queen from *Snow White*.

This is the sort of production where a character pulls on a cardboard lightswitch and says, "Click." The misadventures require a reckless variety of scenes, including one where we are in front of a careering truck, with sandwich-board men, after the inevitable accident Lech's brother Flen (Maureen Angello) loses an arm, and the proceedings to lose other limbs later.

The evening tails off with black direction for the six successive court-room interviews, and some *longueurs* appear earlier, but this is a small price to pay for the sight of Osterman's giant in cheerful gingham, trading unprintable insults with Quinlan, whose black and yellow outfit has clearly been created from crushed wasps.

Love in a thrice

Trios
Riverside Studios

EDMUND White's elegant triptych of love stories well deserves this London showing, though its stay here is to be brief (until July 31). The characters in each are a husband, a wife and her blond young lover, and the same actors perform the corresponding roles in each. Furthermore, their variously doomed affairs are set within three different classes in three periods.

In the 19th-century episode a woman is awakened to passion by a practised seducer, and sacrifices husband and child for his attentive arms. Though his love fades as poverty engulfs them, his curious code of honour prevents him leaving her.

In an English mansion in the 1920s a gentle footman woos a golden-hearted but deaf parlourmaid married to a brute of a chauffeur; and in the third story, set in contemporary New York, a promiscuous soap-actress brings her painter husband and student lover together and ends up jealous of both.

White makes romantic love look a tender growth, certain to be blasted by something horrid to prevent it flowering for long. But he knows how to build suspense into a tale, moving between his three sets of three, sometimes rejecting the expected confrontation for a quieter or coded scene of reproof.

When Simon Usher staged this play in the studio space of the Leicester Haymarket, the set consisted of grey wall-panels that opened to reveal artefacts of the period. This approach would hardly do on the Riverside's river-wide stage. Instead, Antony Lambie's design provides Usher with three skeleton walls, isolated from each other, left, right and centre: items of furniture are islanded along the rear wall, and the rapid changes of costume (bustle to jeans, artist's smock to chauffeur's uniform) are done in full view of the audience, and usually on the trot, pulling at the Velcro while manhandling a chair.

Robert Langdon Lloyd again plays the disturbed husbands, rather overplaying the New York burlesquer as if to distinguish himself from his other, grimmer roles. Charles Edwards now plays the young lovers: admirable as the footman.

Kelly Hunter gives three adroitly different performances: tremulously resigned as the Victorian wife, and outstanding as the deaf girl torn between wifely duty and womanly desire, tilting her head and stretching long elegant fingers like a conductor straining to catch a piccolo's gentlest breath. It is an unforgettable image of a vulnerable creature braving a hard world.

LONDON

PHONES Andrew Limon conducts the Birmingham Symphony Orchestra, forming Watson's sensuous, lyrical Concerto (Slovak, Tashir Ltd) with a popular work by the American composer William Schuman and Tchaikovsky's resplendent Fourth Symphony, with its underlying autobiographical "programme".

THE TALKING OF THE SHIRE: The comic battle of the sexes between the fiery Katherine and the wily Peverell, comes to the Barbican, Aronson House, 10 Barbican, London, WC1N 3AX, 7.30pm, 8pm and 10pm.

THE DEVIL'S ONLY SLEEPING: Nick Shaffner's murky drama, first seen in Birmingham, of jealousy between siblings, leading to fratricide and parricide. Greek tragedy for the 1990s. Cockfield, Grafton Street, NW6 (071-432 5261). Preview tonight, tomorrow, 8pm. Centre Theatre, Tottenham, 8pm. Centre Theatre, Tottenham, 8pm. Centre Theatre, Tottenham, 8pm. Centre Theatre, Tottenham, 8pm.

FOUNDING NAILS INTO THE FLOOR WITH MY FOREHEAD: Escapologist, billed in New York as the Larry Bruce of the 1980s, offers a tour round the dark corners of the male psyche. See performance only. See interview, page 35.

ALMAKKA, ALMAKKA: London, WC1N 3AX, 7.30pm, 8pm and 10pm.

COMPANY WEEK 93: Organized by the charity abstract dancer Derek Bailey, this annual festival of improvising jazz musicians this year features some 100 acts, including Alan Wilkins and vocal improviser of Scott and Blake, Phil Minor.

ENGLISH NATIONAL BALLET: The Savoy Theatre, which closed three years ago after being destroyed by fire, has reopened with a week of dance courtesy of English National Ballet.

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Dedicated to being different

America's iconoclastic Kronos Quartet is in London for a four-day celebration of cultural diversity. David Toop reports

According to David Harrington, founder of the Kronos Quartet, "music is a natural resource, a human resource, that we all can share and that none of us owns." Now 43, Harrington is still hungry for music which shakes his view of the world. "This wide range of musical experiences is something to celebrate. Maybe that's what a concert can be, a celebration of music in all its forms. Being a musician in 1993, you never know what might be coming your way. It's endlessly fascinating."

At a time when so many branches of the music world have abandoned the promotion of challenging contemporary music, this affirmation of new music and its diversity has a rarity value. Some critics have suggested that the healthy audience figures boasted by Kronos are a reflection of the group's emphasis on presentation and dress sense, rather than their prodigious skills. "Who's going to sit through 80 minutes of a Monty Young piece to watch a dress Joan is wearing?" scoffs Harrington. "That's insane."

Harrington's ears were first opened in 1961 when he received a recording of Beethoven's E Flat Major Quartet through the post, as part of his first package ordered from the Columbia Classical Record Club. A violinist who started his own quartet at the age of 11, Harrington began to be influenced by other forms of music, including African drumming and the Beatles. He founded the Kronos Quartet in Seattle, 20 years ago, after hearing George Crumb's augmented quartet composition, *Black Angels*.

"That did it for me," he says. "There are people out there who are capable, by the force of their talent and their vision of life, of totally changing the way we perceive the world." Since then, Kronos has relocated

to San Francisco, the spiritual home of cultural diversity debates, and settled into its current lineup with violinist John Sherba, cellist Joan Jeanrenaud and viola player Hank Dutt. Notorious for Jimi Hendrix encores and non-standard haircuts, they have also pioneered works by composers from Henryk Gorecki and Steve Reich to Thomas Mapfumo and Astor Piazzolla.

Unlike most other aspects of the world, the older and more established Kronos becomes, the more risks Harrington takes with the quartet's repertoire. Iconoclastic string quartets, from the Balanescu to the Brodsky, are legion, yet none of them exercises an audience's musical preconceptions with quite the dedication to difference of Kronos.

From tomorrow, the quartet will present four separate, contrasting programmes at the Barbican Centre. The first, designed to reflect what Harrington describes as "the complex cultural setting that American music exists in," will include the British premiere of a Philip Glass quartet piece, as well as other American works from John Zorn, Henry Cowell, Lois Viek and George Antheil.

Prior to the late-night concert on Thursday, the Pakistani devotional singer, Nusrat Fateh Ali Khan, will perform in the Kronos mini-festival as a guest. The quartet will then follow this with the 80-minute *Chronos Kristalla* by LaMonte Young, the American pioneer of minimalism. Young has devoted most of his life to the exploration of pitch relationships based on natural harmonics.

A music based on tuning is perfect for a string quartet. "As a string player, it's never in time," Harrington admits. "Finding the pitch is something you live with. This music cleanses your ear. In that sense, it's refreshing and therapeutic, even."

Friday night will be devoted to



The Kronos, notorious for Jimi Hendrix encores and non-standard haircuts, they have pioneered work by a wide range of composers

Gorecki's First String Quartet, along with the works of other composers from countries that once belonged to the Soviet empire. The final concert will feature collaborations with Zimbabwe's Thomas Mapfumo Quartet, the Chinese pipa (lute) virtuoso Wu Man and the jazz soprano saxophonist Steve Lacy. Also, Kronos will perform a piece for solid-body electric instruments, connected up to digital samples. "We may sound like babies

or cars, refrigerators, cats, gamblers or doorbells," Harrington promises. "One of the things that I'm continually asking myself," he continues, "is, what does it mean to be a musician today? What is it today is very different to what it was when I started Kronos in 1973. You can sense the way in which the world has changed in the way we have our relationships with composers. In 1973, we never had to have multiple

translators, ethnomusicologists and recording technicians at first rehearsals. It's an outcome of the world and its possibilities. I see it as a very narrow perspective to say that this great challenge of diversity can't work." As we talk, Harrington decides to name one of the quartet's forthcoming records after ex-president Ronald Reagan's description of the Soviet Union as the "Evil Empire". "Out of the evil empire has come

some of the most spiritual music of our time," he says. "We're playing music now from that part of the world and its possibilities. I see it as a very narrow perspective to say that this great challenge of diversity can't work." As we talk, Harrington decides to name one of the quartet's forthcoming records after ex-president Ronald Reagan's description of the Soviet Union as the "Evil Empire". "Out of the evil empire has come

NEW MUSIC

A turn for the worse

CLS/Hickox Goldsmiths' Hall

How would Geoffrey Burgon, the composer of the signature tunes for *Brideshead Revisited* and *Tinker, Tailor*, respond to the challenge of a concerto for trumpet and orchestra? That was the intriguing question at Thursday night's City of London Sinfonia concert, when Richard Hickox conducted his orchestra in a programme largely of string music (Grieg, Sibelius, Suk and Dvořák), along with the Burgon concerto, scored for strings and modest percussion, receiving its world premiere.

Anyone hoping for the kind of hummable tunes familiar from Burgon's television work would have been disappointed. While credit is due to the composer for raising his sights, it cannot be said that his new concerto is a roaring success. The first problem is that it lacks the very memorability of melody or texture that characterise Burgon's most popular compositions. The work is subtitled "The Turning World" — a reference to the pictures of earth transmitted by the first satellites. The open fourths and fifths hint, perhaps, at vast global movements, though without either cinematic immediacy or symphonic propulsion.

The second problem is the unclear structure (further confused by an unhelpful programme note). A *Lento molto* section, in which ideas from trumpet and strings are picked up and echoed by a vibraphone, is the most attractive passage in the score. But what is its relation to the main material (supposedly some kind of extended rondo) and why are the two not better integrated?

The third problem is that the concerto proved not to be an ideal vehicle for an early trumpet specialist such as Crispian Steele-Perkins, for whom it was written. Steele-Perkins did his best to stitch together the fragmented phrases, but sounded uncomfortable in the lower registers. A sadly missed opportunity.

BARRY MILLINGTON

Triumph of old-fashioned stagecraft

When it was first seen last year, the English Bach Festival's production of Gluck's *Iphigénie en Tauride* received critical acclaim from colleagues who should know. It thus thoroughly deserved this revival. What a pity, then, that London's so-called opera fans decided that Covent Garden on a summer Sunday evening was not the place to be. They missed something special.

Gluck's gloriously fluid music, whose effect depends at least as much upon instrumental and harmonic colour as upon memorable melodies, brings to wondrous and captivating life a story which might easily have gone stale in the hands of another composer: he is helped by an unusually concise libretto (by Guillard) for whose fashioning he apparently took a large degree of responsibility himself.

The argument still rages: should late 20th-century productions of 18th-century opera attempt to be 18th-century productions, or are we obliged to re-interpret them in the terms of today? Alain Germain's staging illustrates that the first of those approaches need not turn an old opera into something to be gawped at like a moving exhibit in some

OPERA: A historical production style can work as well as more modern approaches, writes Stephen Pettitt



Iphigénie: the frozen poses of the chorus illustrate the principal characters' emotions

ghastly heritage museum, and neither does sticking to ancient conventions necessarily rule out theatrical imagination. Set against Terence Emery's reproductions of the magnificent, though basically straightforward, scenery used in the original Paris production, in 1779, Germain's production, simply and clearly lit by Roger Frith, solves one problem by poetically using the frozen poses and gestures of the chorus not as a twee, decorous formality but blatantly as illustrations of the principal characters' emotions.

That is surely right, for *Iphigénie* is a work concerned with the feelings and profound inner conflicts of individuals. Apart from the set pieces — the Scythians' crude dance in Act I, Oreste's vision of the Furies in Act II, and the brief conflict at the end (where for once

Stephen Preston's choreography did not quite work) — the action contains relatively few moments of outward dynamism.

Marc Minkowski, who clearly has great sympathy with Gluck's subtle feeling for line and clarity, conducted a stylish, though at times rather thin-sounding orchestral performance from the EBF Baroque Orchestra. Even so, the sound of the chorus on stage was often far too weak for the rich orchestration Gluck provides in the more vigorous moments.

In their several ways the protagonists were all excellent. First among them was Jennifer Smith's Iphigénie, light-voiced yet dramatically intense. This music sits well in her instrument, and she acted with a perfect mixture of anxiety and dignity. François Le Roux's Oreste, a larger voice, was suitably heroic but also touchingly vulnerable in his fearful Act I soliloquy, but the challenging high tenor role of his friend Pylade seemed to overtax Andreas Jaggi. Yet both singers conveyed beautifully and spontaneously the intimacy of the two men's relationship. Donald Maxwell's Thoas, was an added bonus, darkly majestic in voice as well as character.

used to marvellous effect as the Countess in *Capriccio*. It returns here. Her Hanna looks well able to look after herself, even in male chauvinist Paris.

John Aler sings sweetly, but a bit too stolidly in the high tenor role of Camille. Elzbieta Szmytka could sparkle more as Valencienne, especially when leading the grisettes in their last act chorus. Valencienne, after all, causes all the trouble by dropping her fan. "As careless with fans as Desdemona with handkerchiefs," Njegus reminisces.

Those holding tickets for performances tonight and Thursday can count themselves blessed. Those without may take consolation from EMI's presence to record this merriest and wintiest of *Widows*.

JOHN HIGGINS

OPERA: Glyndebourne regains its form on the South Bank

Widow sparkles with wit

Forget the disappointments of last month. The Glyndebourne polish has returned in full for *The Merry Widow*, third and last of the operas from the company in summer exile on the South Bank. It is a model for operetta in concert performance. For style and sheer brio it matches those two memorable evenings at the Barbican when Bernstein conducted *Candide* in his final London appearances.

Franz Welser-Möst is the man in charge of Lehar. He has schooled the LPO thoroughly in the Viennese sound. The waltzes glide silkily by, and gentlemen in tails smack their lips at the prospect of more champagne and show girls.

Glyndebourne had the wit to invite that expert on central European affairs, Tom Stoppard, to provide a few words of

with proper pride, the original source of *The Widow* was a boulevard comedy called *The Confidential Secretary*. Lehar has come a neat full circle. It would be difficult to imagine a more dashing pair than Thomas Hampson and Felicity Lott as Danilo and Hanna. Danilo is clearly shaking off a Maxim hangover as he launches into his personal philosophy that embassy life has to be quenched with regular intakes of pink champagne. But when the

violins start playing, Danilo can effortlessly charm the bank balance out of any rich widow. German houses sometimes cast Danilo as a tenor, but Hampson puts paid to all thought of that. A full-blooded baritone is needed as hero and generations of Broadway composers later learnt from Lehar's example.

Thomas Hampson has not sung Danilo before: it must now go straight into his repertoire. Felicity Lott, though, is a thoroughly experienced Hanna, her soprano succulently creamy and dreamy in the *Vilja* song. But she carries too in her voice — and eye — a sense of rueful superiority.

CONCERTS: Hilary Finch on a Berlioz Prom, and Bream at 60

Berlioz lived with the idea of a *Romeo and Juliet* symphony for 20 years. And when at last it was written and performed, he ran trembling from the St Petersburg auditorium to collapse in a flood of tears in a side room. He was as moved by Shakespeare (and doubtless, by his own responses to him) as in his very first encounter. It was, he wrote, as if a summer storm with lightning had been whipped up by the contemplation of young love, of blue Italian skies, and of the revelation of the infinite in both love and grief.

Berlioz's *symphonie dramatique* deserves a performance which both receives and elicits scarcely less of a response; and Yan Pascal Tortelier came pretty close to the heart of the composer on Sunday night at the Proms.

The BBC Philharmonic has now had a good year's worth of high-level French conversation lessons with its principal conductor, and it shows. The woodwind soloists, in particular, have a flawless command of the Gallic tone of voice and inflection; the little serenade during the ball, and the numb keening of the flutes in the tomb scene showed just what they are made of.

The players also have a new alertness of response which comes into its own in the ceaseless, febrile rubato of Berlioz's long lines of orchestral arioso. This feeling of the body of performers as an acutely sensitised palette was extended to the singing of the BBC Singers: taut, high, and

Lesson in fluent French

BBC PO/Tortelier Albert Hall/Radio 3

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Cause for joint celebration

Julian Bream Wigmores Hall

Julian Bream had only one solo spot in last Thursday's concert devoted to celebrating his sixtieth birthday. This was both sad and entirely fitting: for the classical guitarist, whose solo artistry could well compel attention for many hours longer than the longest concert, is also such a sociable and symbiotic musician that an evening of joint music-making is celebration in itself.

Neither a retrospective nor a taster-pack could possibly do justice to Bream's lifetime of roles. In this concert, for example, we saw nothing of him as lutenist, as song accompanist (Robert Tear was in the platform), as inspirer and commissioner of new work (Britten, Tippett, Walton, Henze, Arnold) or as transcriber and expander of repertoire (much Baroque and Romantic music).

What we did hear, and it made for an evening of rich reward, was Bream in the context of the brightly varied instrumental voices of the Nash Ensemble. His own fine and fluid sense of rhythmic life



Julian Bream: a lifetime of varied musical roles

coursed through the part-writing of Haydn's Quartet in D for guitar, violin, viola and cello (an arrangement — possibly, though not probably, by the composer — of his Opus 2 No 2 Spring Quartet published in 1766). Very much the prime mover for most of the time, the guitar sang in its many voices, from the warm vibrato poised over the sound-

highly strung in their Prologue and ensuing narrative. As the young Capulets lurched back from the party, the tra-la-las of the offstage male chorus echoed high around the dome. The main body of the Huddersfield Choral Society and Royal Liverpool Philharmonic Choir were, by contrast, properly sober.

Romeo and Juliet are themselves invisible in this drama. The orchestra takes their part and reveals their heart: the evening's narrative, soloists have a generally modest part to play. Anthony Rolfe Johnson was as elusive, in his two minutes of galloping with Queen Mab, as the fairy herself: his voice carried word and rhythm in what seemed a single, spider-spun breath. Marie-Ange Todorovitch's mezzo-soprano found just the register of pathos and foreboding for her narrative, while the eloquent bass of John Tomlinson, as Friar Laurence, opened a long, broad avenue into the love-redempted future.

hole, to the brilliance of *moto perpetuo* as the fingers edged towards the bridge.

The Nash Ensemble, who offered stimulating and sympathetic interludes with the Roussel *Serenade* and the Ravel *Introduction and Allegro*, also provided Bream's partner for Takemitsu's *Toward the Sea*, for alto flute and guitar. Philippa Davies's finely nuanced and exceptionally eloquent flute playing in the three short movements inspired by the composer's feelings of protest against whaling, was complemented by the guitar's undertone and overtone in its broken chords, shimmering accompanying figures and springing motifs.

The eloquence of both performers was the greater in the light of the piece's own disappointing poverty of truly idiomatic ideas. This could not be said of Antonio José's *Sonata* for guitar. As last Bream reigned supreme on stage, and his fleet-fingered, many-voiced recreation of the work's delightfully Gallic artifice and dance made a resonant centrepiece in a memorable evening.

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Norman success opens new horizons



In victory on Sunday he was

In 1993 the players performed in a way we had not thought possible. They raised their games to new levels. It was astonishing and rewarding to have been there to see them do it.

RIFLE SHOOTING: The Times Challenge Cup at Bisleigh yesterday attracted 1,400 entries and, with 123 of them getting every shot in the bull's-eye at 300 yards, there will be a reshoot today. The 123 who scored a maximum 50 points were put in order on the number of shots in the inner ring. Ten had all their shots dead centre and they will reshoot. The youngest of them, David Gillett, 18, from Sevenoaks School, is a member of the Great Britain cadets team to go to Canada after the meeting. Mick Gault set a record of 584

CRICKET: The third day of the third Test match between Sri Lanka and India was washed out in Kandy yesterday, almost certainly consigning the match to a draw. There has been only 50 minutes of play in the match, with Sri Lanka having scored 24 for three; today is a rest day. Pakistan will host the Asia Cup in December, with India, Bangladesh and Sri Lanka also taking part in the two-week tournament. Pakistan will play five Test matches during their tour of New Zealand early next year. They will also play five one-

WORLD STUDENT GAMES: British athletes took gold, silver and bronze at Buffalo, New York State, on Sunday night with Lynne Krieger winning the 1,500 metres in 4:42.12. Jayne Peacock took the team-mate, was seventh. McKernan with 60.72 metres and Gary Leugh completed a medal set with bronze in the men's 1,500 metres in 4:46.79sec. Britain's football team was beaten 2-1 by Germany. Britain finished eleventh in the unofficial medals table with three gold, six silver and four bronze.

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TUESDAY JULY 20 1993

Selectors waste no time in picking unchanged squad for fourth Test match

England given vote of confidence



BY ALAN LEE
CRICKET CORRESPONDENT

AN UNCHANGED team is an unmistakable message of confidence and, for once, it is England and not the opposition who have been able and willing to give it. The 12 men who report to Headingley today, for the critical fourth Ashes Test, were all on duty at Trent Bridge a fortnight ago: only the unfortunate Alan Igglesden will be missing.

Sunday's selection debate was one of the briefest for years. It did not even constitute a meeting, much of the business being conducted by telephone, and once Igglesden had been discounted, any temptation to meddle with what is not yet a winning team, but at least one which has threatened to win, was dismissed.

The selectors were not deaf to the many theories about Headingley

being a place for a one-off team. As Ted Dexter, the chairman, explained: "We were sensitive to various ideas for a specialist squad, but we could have ended up with a completely new attack, which would have been against the spirit of what we are trying to achieve. We preferred to back the enthusiasm and lively skills which rejuvenated the side at Trent Bridge."

Graham Gooch, the captain, has won the last two Tests on this ground with teams picked specifically for traditional seaming conditions, and it crossed his mind that something similar might be needed now. Gooch, however, was so heartened by the change of mood at Trent Bridge that he readily abandoned the notion.

If Igglesden had reported fit, there would have been a strong case for his inclusion, such is the impression he has made this season. But, having twice suffered the anguish of with-

	Age	Tests
G A Gooch (Essex, capt)	30	104
M A Atherton (Lancs)	26	25
M N Latham (Somerset)	21	2
R A Smith (Warwickshire)	20	2
A J Stewart (Surrey)	20	2
G P Thorne (Surrey)	20	2
N Hussain (Essex)	20	1
A R Caddick (Somerset)	24	1
M J McGee (Kent)	24	1
M G Ton (Essex)	22	1
P M Scurr (Essex)	24	1
M P Bicknell (Surrey)	24	1

drawal on the eve of a match, the Kent seam bowler was honest enough to relinquish the possibility of an unwanted hat-trick.

Dexter himself went to Arundel on Saturday to watch Igglesden against Sussex. Afterwards, the chairman looked the luckless bowler in the eye and asked him if he was fit enough for a five-day game. The honourable admission that he was still stiff and

sore not only ruled him out but suggested that his comeback for Kent may have been unwisely early.

"It's cruel luck for Alan yet again," said Dexter, who counts himself one of Igglesden's greatest admirers and will still hope to have him on the winner flight to the Caribbean. So too, Martin McCague, his friend and team-mate, though whether the Irish-Australian will win a second cap this week remains open to doubt.

McCague's province is pace, pure and simple, and as that has seldom been negotiable currency on modern Headingley pitches, there is a strong case for replacing him, temporarily, with someone whose skills are a shade more subtle.

Steve Watkins and Neil Mallender have done such a job in the past two years, both with success, but their claims were not regarded as strong enough to displace Martin Bicknell. Having been on the fringes of Test

cricket for some years, including one unfulfilling tour to Australia, he is now ready for his debut.

"Bicknell is in the same mould as Igglesden," said Dexter. "He swings it and moves it away from the right-handers off the pitch. He is also at the peak of his form." This cannot be disputed. Bicknell and Waqar Younis have formed the most potent new-ball attack in county cricket for Surrey this summer and the Englishman has scarcely suffered by comparison with his illustrious partner.

Seven batsmen will again be the order of the day for England but here, of all places, Gooch himself could be a very adequate fifth bowler. There are encouragingly positive noises emanating from the camp while the Australians fret increasingly over their bowling. It may only be a passing phase, but the psychological high ground is no longer forbidden territory to the English.

Chapple century too fast for new computer

BY GEOFFREY WHEELER

GLEN Chapple hit what was probably first-class cricket's fastest century at Old Trafford yesterday. But no official time was issued because the new computer-based scoring system was unable to cope.

Lancashire's 19-year-old all-rounder, fed a diet of joke bowling by Glamorgan's Matthew Maynard and Tony Cottee to facilitate a declaration, hit nine sixes and ten fours in his hundred which came from 27 deliveries as Glamorgan scored 235 for one in 12 overs. Fielders making little effort to stop the ball.

The harassed scorers believed Chapple reached three figures in about 21 minutes, but could not be sure. "When runs are scored as fast as they were today, the machine just cannot cope," Byron Denning of Glamorgan said. Denning, who scored in the traditional fashion in his scorebook, added: "Things were so hectic I did not get the time of Chapple's century because I was concerned with getting every run down in the book."

Bill Davis, the Lancashire scorer, said: "No-balls cause the computer the biggest problem because they have to be processed in several ways. The 20 no-balls made it very difficult and we got further and further behind with the scoring. We are unable to say just how long Chapple took for his century."

Tom Moody, the Australian batsman who was playing for Warwickshire, scored a hundred in 26 minutes in similar circumstances against Glamorgan at Swansea in 1990, but Wisden still recognises Perry Fender's time of 35 minutes for Surrey against Northamptonshire in 1920 as the fastest hundred when proper cricket was being played.

The upshot of yesterday's farcical proceedings was that Glamorgan, set 243 to win, galloped home by seven wickets to retain third place in the championship.



No looking back: Botham, in whites for the last time, walks on to the field for his final day of first-class cricket as Durham's match against the Australians makes a belated start yesterday

Australians deny Botham last chance of glory

Ian Botham took his leave of first-class cricket at 5.20pm yesterday, leading Durham in to the applause of a healthy last-day crowd and the Australian team. It was a more muted farewell than it might have been, as determined Australian batting conspired with rain to rob Botham's final day of the dramatic flourish circumstances demanded.

The final action still belonged to Botham. Unable to get in on the act with bat or ball — he bowled 11 gentle, wicketless overs — he persuaded the Durham wicketkeeper, Chris Scott, to stand to one side while he had a go behind the stumps, without pads or gloves.

If Botham has learnt any-

thing at all in the past 19 years — and he has absorbed the lesson the hard way — it is a certain diplomacy. At a press conference convened before Hayden and Boon made the centuries which carried Australia to the safety of a draw, he revealed a tact which would not be out of place at the Court of St James's.

With a biography to come, "which will make interesting reading", he is keeping his powder dry. Allan Border, the Australia captain, said aye to that. "We have been combatant for a long time and pretty good mates. Ian brought a sense of occasion to the cricket field."

There was rarely a quiet moment, whether he was taking specky catches, vital wick-

Michael Henderson watches a supreme entertainer make a low-key departure against his most respected opponents

ets and he never left you guessing with the bat. He never thought there was a situation he could not change personally, and he seemed to reserve his best for Australia.

"He was so competitive on the field but regardless of how he performed he was the first person in your dressing-room afterwards. Not many people can do that, me included, if you have had a bad day."

Botham recalled the tour of Australia under Mike Gatting in 1986-7 as a career highlight. "That was the series I enjoyed

most. We were written off before the first Test as a team that couldn't bat, bowl or field but we won it and went on to beat everyone else that winter."

He admitted the last two seasons had been difficult. A career's worth of operations — "about ten" — had put an intolerable burden on his body. "I am a bit like an old battered Escort. You will probably find only one original panel."

When the end came, he read the signs clearly. "There

comes a time. I always said I would wake up one morning and know. I wanted to go out at the top. Having just made a hundred against Worcestershire (his previous county) and playing here against Australia, which has always meant a lot to me, is the way to go."

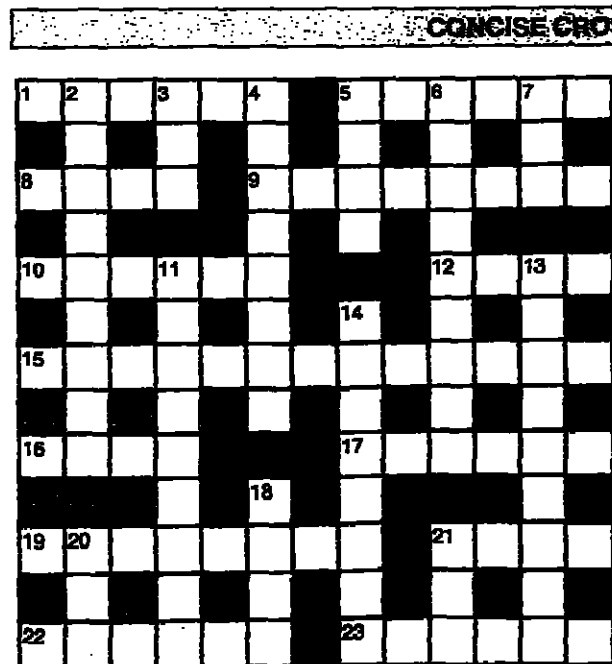
Botham leaves without regret, not even the faintest one that he will not share a dressing-room with Liam, his 15-year-old son, who plays this week for Hampshire second XI. "I thought it would help if I disappeared when he started. I think he will do well so long as he gets a fair crack of the whip. The potential is there."

His most difficult opponents were "just about every

Australian I played against and Viv Richards, the best player I ever saw. What I will miss most of all is the comradeship of the dressing-room. I won't miss bowling 20 overs uphill into the wind when I could be out on the river catching salmon."

Life is Elsewhere, the pampered students of Paris used to daub on walls during the riots of 1968. Botham rose above such absurdity. "I have never thought life was a dress rehearsal. I once saw an advert on Australian television which said, 'Life, be in it.' So he was, and so were we for which, much thanks."

Life and times, page 38
Years take toll, page 38
Durham scorecard, page 38



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ACROSS

1 Miserable (6)
5 Newspaper account (6)
8 And others (2,2)
9 Letter packet (8)
10 Force (6)
12 Mahure (4)
15 Mao Tse Tung opponent (6,3,4)
16 Surflet (4)
17 One-room home (6)
19 On time (8)
21 Homework (4)
22 Cut down (6)
23 Prairie wolf (6)

DOWN

2 Marriage promise (9)
3 Slippery man (3)
4 Godly-religion study (8)
5 Wander (4)
6 At extreme positions (9)
7 Blame (3)
11 Not theoretical (9)
13 Republic leader (9)
14 Phenol (8)
18 Cheese substance (4)
20 Employ (3)
21 Snoot (3)

SOLUTIONS TO NO 3151

ACROSS: 1 Container ship 8 Notch 9 Unifier 10 Wig
11 China 12 Analyse 14 Eighty 16 Webbed 20 Timpani
23 Franc 24 Cue 25 Oddment 26 Natal 27 Social climber

DOWN: 1 Conscientious 2 Netting 3 Ashwath 4 Nougat
5 Raisin 6 Hairy 7 Perpendicular 13 Lab 15 Hip 17 Effendi
18 Brannub 19 Tictac 21 Medic 22 Arena

By Raymond Keene

London has been fortunate over the years in having a number of sponsors who have supported chess. Today's position is from Halflin - Larsen, Watson, Farley & Williams/City of London Corporation Chess Challenge 1991. What is White's most direct continuation?

For information on any aspect of *The Times* World Championship Match and the City of London Chess Festival call 071-388 8223.

By Philip Howard

ELIPHAZ

a. A comforter of Job
b. A general of David
c. One of the Three Wise Men

MESHACH

a. A friend of Daniel
b. One of the Three Wise Men
c. An Apocryphal prophet

JASON

a. A Christian of Thessalonica
b. A merciful centurion
c. Captain of Paul's ship

OMRI

a. A sect of Sadducees
b. A king of Israel
c. A heathen goddess

Answers on page 36

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